

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on February 21, 2000, in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
 Gordon Self, Revisor of Statutes Office
 Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Charles Lee, Extension Wildlife Specialist, Department of Animal Sciences and Industry, KSU
Clint Riley, Kansas Department of Wildlife and Parks
Ron Klataske, Executive Director, Audubon of Kansas
Mark Robbins, KU Natural History Museum and Kansas Ornithology Society
Alan Pollom, Vice President and Kansas Director of The Nature Conservancy
Alison Pearse, wildlife rehabilitator, Overland Park
Carey Maynard-Moody, Interim Chair, Wakarusa Group, Kansas Chapter of the Sierra Club
Charles Benjamin, Kansas Natural Resource Council
Michael McFadden, Past President, Kansas Chapter of The Wildlife Society
Stanley Roth, retired Lawrence High School biology teacher (no written testimony)
Billy Stern, Midwest State Organizer, GREEN - Grass Roots Environmental Effectiveness Network
(written only)

Others attending: See attached list

Minutes of the February 7, 9, 14, and 16 meetings were distributed. Chairman Johnson asked members to notify the committee secretary of any corrections or additions prior to 5:00 p.m., February 22, or they will be considered approved as presented.

Chairman Johnson distributed copies of a NASDA alert concerning federal legislation to remove the ban on interstate shipment of state-inspected meat. The United States Senate Agriculture Committee was to meet February 17, 2000, to decide whether or not to take action on interstate meat shipment legislation (S. 1988). (Attachment 1)

Hearing and possible action on HB 2866 - Eradication of prairie dogs, repealer.

Chairman Johnson opened the hearing on **HB 2866** and asked Raney Gilliland to explain the bill. Mr. Gilliland outlined the various statutes that would be repealed by passage of this bill. He explained that passage of this bill would leave it to the discretion of the landowner whether or not to control prairie dog colonies on his own land. (Attachment 2)

Charles Lee, Extension Wildlife Specialist, Department of Animal Sciences and Industry, Kansas State University, provided background information concerning prairie dog management efforts in Kansas. He explained that K-State teaches landowners to prevent and control damage caused by wildlife; it is an educational program and not usually a direct or operational program. He said it is important for land managers to recognize the positive and negative effects of prairie dogs on rangeland and on other species before developing a comprehensive management program. (Attachment 3)

Clint Riley, Kansas Department of Wildlife and Parks, testified in support of **HB 2866**. He explained that last year the United States Fish and Wildlife Service received a petition to list the black-tailed prairie dog on the federally threatened and endangered species list. Since that time, he said the department has joined with other state fish and wildlife agencies to oppose this listing and develop a conservation plan for the prairie dog.

CONTINUATION SHEET

He said that current USFWS status of the prairie dog is “warranted but precluded.” He explained that this status does not afford protection, but does require states to undertake plans to keep the species from future listing action. The status of the species will be evaluated on an annual basis. The department is presently planning three public workshops in western Kansas to develop a conservation plan for Kansas. This plan will be submitted to the USFWS for review. He said that if states develop effective plans to improve the future status of this species and its habitat, the prairie dog may be removed from consideration for any listing. He said that **HB 2866** provides the USFWS with a positive example of the state’s willingness to work with private property owners to address species concerns. ([Attachment 4](#))

Ron Klataske, Executive Director, Audubon of Kansas, appeared in support of **HB 2866**. He said that USFWS classification of the black-tailed prairie dog as “warranted but precluded” under the Federal Endangered Species Act, rather than “threatened” gives the state more time to respond in favorable ways, such as repeal of these statutes. He reported that eleven great plains and western states and several federal agencies have been working for the past year to develop a conservation strategy to keep this species from becoming “threatened.” He said removing statutes that mandate that landowners must eradicate prairie dogs is one of the most important and progressive ways the state can provide leadership to prevent this from happening. He said that counties would continue to have authority to conduct prairie dog control programs under their Home Rule authority. ([Attachment 5](#))

Mark Robbins, KU Natural History Museum and Kansas Ornithological Society, supported passage of **HB 2866**. He explained that prairie dogs are integral to the well-being of a number of grassland bird species in the western half of Kansas, including the Burrowing Owl, Ferruginous Hawk, Mountain Plover, and Golden Eagle. In addition to rare species, he said a number of common birds, such as the Horned Lark and the Western Meadowlark, use prairie dog towns for foraging and nesting. ([Attachment 6](#))

Alan Pollom, Vice President and Kansas Director of The Nature Conservancy, appeared in support of **HB 2866**. He explained that The Nature Conservancy is a non-profit conservation organization that operates the world’s largest system of privately owned natural area preserves. He said that management flexibility on their preserves will cease to exist if the black-tailed prairie dog becomes listed under the Endangered Species Act. He said that for a prairie dog recovery plan in Kansas to be successful, it is necessary that these statutes enacted nearly 100 years ago be repealed. ([Attachment 7](#))

Alison Pearse, a wildlife rehabilitator from Overland Park, testified in support of **HB 2866** to allow landowners to voluntarily manage their land for prairie dogs and other wildlife. She said that current methods of controlling prairie dogs, poisoning and fumigating, not only affects the prairie dog population but other birds and animals as well. ([Attachment 8](#))

Carey Maynard-Moody, Interim Chair, Wakarusa Group, Kansas Chapter of the Sierra Club, appeared in support of **HB 2866**. Noting that the prairie dog habitat is now only two percent of what it was prior to the 1840's, she said the Sierra Club is concerned that Kansas is not fulfilling its responsibilities to encourage the survival of the native species. She said that the prairie dog is linked to over 170 other wildlife species dependent upon or found near prairie dog colonies, that prairie dog extinction would threaten an entire ecosystem in Kansas. ([Attachment 9](#))

Charles Benjamin, representing the Kansas Natural Resource Council, testified in support of **HB 2866**. He called the committee’s attention to a Wichita Eagle article dated February 4, 2000, stating that Kansas and seven other states have until August to come up with plans for protecting prairie dogs. He explained that the Endangered Species Act gives the federal government broad powers to protect species it considers endangered or threatened. He noted that most federal environmental laws exempt agriculture, the one exception is the Endangered Species Act. By taking proactive action to protect prairie dogs, he said the state might avoid the imposition of more onerous federal regulations. ([Attachment 10](#))

Michael McFadden, Past President, Kansas Chapter of The Wildlife Society, appeared in support of **HB 2866** to promote the management of prairie dogs on a scientific conservation basis rather than by widespread eradication. The black-tailed prairie dog is a native wildlife species and The Wildlife Society believes they should be managed as such by state wildlife management agencies. The Society does not believe federal

CONTINUATION SHEET

intervention under the Endangered Species Act is in the best interests of the black-tailed prairie dog. They believe private landowners are more likely to respond favorably to a state-sponsored management planning process than to federal ESA listing. (Attachment 11)

Stanley Roth, retired Lawrence High School biology teacher, testified in support of **HB 2866** to repeal the outdated statutes concerning eradication of prairie dogs.

Billy Stern, Midwest State Organizer, GREEN - Grassroots Environmental Effectiveness Network, a national group focused on the preservation of wildlife and wild lands, submitted written testimony in support of **HB 2866**. (Attachment 12)

Chairman Johnson closed the hearing on **HB 2866**.

Representative Freeborn moved to recommend **HB 2866** favorably for passage. The motion was seconded by Representative Showalter.

Representative Faber offered a substitute motion to report **HB 2866** adversely for passage. Seconded by Representative Mollenkamp, the motion carried.

Discussion and possible action on HB 2485 - Kansas Pet Animal Act, animal shelter or pound, forms documenting adequate veterinary medical care.

Representative Feuerborn moved to recommend passage of **HB 2485** with the amendments proposed by the Kansas Animal Health Department:

1. On page 1, line 42, after adoption, strike the words "or any person";
2. On page 4, line 18, strike "possession or"; and
3. Amend section (b) of K.S.A. 47-1712 to include section 2.40 (veterinary care), section 2.75 (breeder records) and section 2.76 (distributor records).

The motion was seconded by Representative Tedder. The motion failed.

Chairman Johnson reported that the Governor has requested that the committee not take any action on **HB 2748** until the report from the Governor's Task Force on Water is completed.

Chairman Johnson said that as **HB 2973** is identical to **SB 564** which was passed by the Senate Agriculture Committee, the committee would delay any action on this issue until the senate bill is received.

The meeting adjourned at 4:50 p.m. The next meeting is scheduled for March 1, 2000.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 21, 2000

NAME	REPRESENTING
Bill Fuller	Kansas Farm Bureau
Debra Duncan	Kansas ANIMAL HEALTH
George Teagarden	KANSAS ANIMAL HEALTH
Mat + Walters	Rep Dahl & Schwartz
JAMES PITTMAN	REP Marti Crow
Ann Dukes	DOB
Eric M Rundgust	Kansas Herpetological Society
Clint Riley	KDWP
Paul M. Willis	Audubon of Kansas
ALAN POLLOM	THE NATURE CONSERVANCY
Greg Wingfield	" "
Mike Beam	Ks. Luth. Assn.
Kim & Alison Pearce	Private citizens
Stan Roth	Citizen naturalist
Tom Klatske	Audubon of Kansas
Mark Roblin	Kansas Ornithological Society
Kelly Wiese	AP
Charles Lee	KSU
Mike McFadden	Kans. Chapter The Wildlife Society

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 21, 2000

NAME	REPRESENTING
Carey Maynard-Moody	KS Chapter Sierra Club
Charles Benjamin	KS Natural Resource Council

NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE

1156 15TH STREET, N.W. • SUITE 1020 • WASHINGTON, DC 20005

TELEPHONE: 202/296-9680 • FAX: 202/296-9686



NASDA Alert

PRIORITY MEMORANDUM

To: Commissioners, Secretaries and Directors of Agriculture
National Association of State Meat and Food Inspection Directors (NASMFID)

From: Rick Kirchhoff and Charlie Ingram

Date: February 17, 2000

Subject: **URGENT ACTION REQUEST - SENATE ACTION ON INTERSTATE MEAT SHIPMENT**

The Senate Agriculture Committee is meeting **today** to decide *whether or not* to take action on interstate meat shipment legislation (S. 1988) introduced by Sens. Hatch (R-UT) and Daschle (D-SD). The committee also plans to discuss possible strategy for *how* and *when* to proceed with the legislation (i.e. hold hearings first or directly mark up the bill for full Senate consideration).

The committee is holding this discussion because critics of the Hatch-Daschle bill are now aggressively seeking to delay the legislation. This will give opponents more time to generate crippling amendments and controversy which will defeat the bill. All Senate Agriculture Committee members are under pressure from this effort.

Removing the ban on interstate shipment of state-inspected meat has been one of NASDA's highest priorities. This may be the only opportunity to achieve our goal this year. Your immediate help is needed to make sure the Senate Agriculture Committee takes positive action. **We urge you to call your Senators today and urge them to support interstate meat shipment and the Hatch-Daschle bill (S. 1988).** The phone number for the U.S. Capitol switchboard is (202) 224-3121. You can also send the same message to the Senate Agriculture Committee by phone at (202) 224-2035 or by fax at (202) 224-1725. Below is a list of committee members.

Richard Lugar (R-IN), Chairman
Jesse Helms (R-NC)
Thad Cochran (R-MS)
Mitch McConnell (R-KY)
Paul Coverdell (R-GA)
Pat Roberts (R-KS)
Peter Fitzgerald (R-IL)
Charles Grassley (R-IA)
Larry Craig (R-ID)
Rick Santorum (R-PA)

Tom Harkin (D-IA), Ranking Member
Patrick Leahy (D-VT)
Kent Conrad (D-ND)
Tom Daschle (D-SD)
Max Baucus (D-MT)
Bob Kerrey (D-NE)
Tim Johnson (D-SD)
Blanche Lincoln (D-AR) House Agriculture Committee
February 21, 2000
Attachment 1

purposes. Whenever the disorganization of any township shall take effect for the purpose of taxation on the last day of December following such disorganization, the township board of the township to which such territory is attached shall, if the disorganization of such township shall become effective for other than tax purposes prior to the time fixed for the adoption of the budget of such township, adopt a budget and provide for the levy of taxes throughout the area of the township as it will exist on January 1, next following the adoption of such budget.

History: L. 1969, ch. 471, § 6; April 25.

80-1116. Same; right of elector of township being disorganized to vote and become candidate for office in townships to which territory will attach. Whenever the board of county commissioners of any county shall have adopted a resolution providing for the disorganization of any township under the provisions of this act and attachment of the territory thereof to another township or townships and the time for the filing of a petition in opposition thereto has expired, without the filing of a valid and sufficient petition in opposition thereto, prior to the date fixed by law for the filing of nomination papers by candidates for township offices, or prior to the date fixed for the holding of primary and general elections for the election of township officers, but the effective date for the disorganization of such township and the attachment of the territory thereof to another township shall not become effective until the expiration of the terms of office of the officers holding such offices, any qualified elector residing within the township being disorganized may become a candidate and may be nominated and elected to an office of the township to which the territory in which he or she resides shall be attached and made a part of at the time fixed by law for the taking and holding of such office. Any qualified elector residing within the township being disorganized may vote at such primary or general election for the election of township officers of the township to which the territory in which he or she resides shall be attached and made a part of at the time fixed by law for the taking of office by officers elected at such primary or general election.

History: L. 1969, ch. 471, § 7; April 25.

Article 12.—PRAIRIE DOGS, MOLES AND GOPHERS

Attorney General's Opinions:

Extermination of prairie dogs; tax levy. 89-136.

80-1201. Destruction of prairie dogs, moles and gophers; expense from general

fund. The township board of any township in this state, at any regular or special meeting, is hereby authorized to purchase material and to employ one or more suitable persons to destroy prairie dogs, moles and gophers within the limits of such township, any material so purchased and compensation for such services to be paid out of the general fund of such township.

History: L. 1901, ch. 273, § 1; R.S. 1923, 80-1201; L. 1965, ch. 548, § 1; June 30.

Research and Practice Aids:

Bounties — 8.

C.J.S. Bounties § 13.

80-1202. Eradication of prairie dogs; duties of township trustees; entry upon land. exceptions; assessment of costs. In addition to the duties now prescribed by law for township trustees, in counties infested by prairie dogs, they may do and perform the following services: That the township trustees of the several townships in this state infested by prairie dogs may enter upon the lands so infested in their respective townships and make diligent efforts to exterminate all prairie dogs thereon. For the purpose of enabling them to carry into effect the provisions of this act, the trustees are authorized and empowered to employ all such assistance and to purchase the poison or such appliances and material as they may deem necessary to exterminate such dogs. The work of such extermination shall all be done under the supervision and direction of the trustees: *Provided*, That in any county having a population of more than four thousand (4,000) and less than five thousand two hundred (5,200) which contains no city of the second class and not more than two (2) cities of the third class, the trustees shall before entering upon the lands give written notice to any landowner who shall fail or refuse to make use of the materials offered or provided, that unless he or she endeavors to control such prairie dogs according to the methods prescribed by the board of trustees will, within fifteen (15) days after the date specified in the notice enter upon his or her land and use the necessary materials to eradicate the prairie dogs thereon; and the trustees or their agents, may thereafter enter upon the land and proceed to eradicate such prairie dogs.

After eradication of such prairie dogs, the trustees shall immediately notify the landowner or landowners with an itemized statement of the costs thereof, and stating that unless such amount is paid within thirty (30) days from the date of the

notice, that the amount shall become a lien upon their real estate. If such costs are not paid within thirty (30) days they shall be assessed against the property of the landowner and the township clerk shall, at the time of certifying other township taxes to the county clerk, certify the costs of such eradication and the county clerk shall extend the same on the tax roll of the township against such property and said costs shall be collected by the county treasurer and paid to the township as other township taxes are collected and paid.

History: L. 1909, ch. 181, § 1; L. 1919, ch. 315, § 1; R.S. 1923, 80-1202; L. 1965, ch. 548, § 2; L. 1969, ch. 472, § 1; L. 1972, ch. 384, § 1; March 20.

Source or prior law:
L. 1903, ch. 378, § 1.

Attorney General's Opinions:
Prairie dog eradication: duty of township trustees. 83-127.

80-1203. Same; report of expense to county commissioners; tax levy. The trustees of the several townships infested by prairie dogs shall appear before the board of county commissioners of their respective counties at their annual meeting in August of each year, when they convene to make the annual tax levy, and make a report of the probable expense to exterminate the prairie dogs in their respective townships. And the commissioners of the respective counties, after receiving said reports, shall cause to be levied on real estate assessed for taxation in each township thus infested by prairie dogs the approximate amount estimated by the several trustees as herein provided, or any part thereof: *Provided, however,* That no assessment for this purpose shall be greater than seventy cents on each one hundred dollars valuation as herein provided.

History: L. 1909, ch. 181, § 2; April 3; R.S. 1923, 80-1203.

Source or prior law:
L. 1903, ch. 378, §§ 2, 3.

80-1204. Same; compensation of trustees and assistants. The trustees of each township and their assistants shall receive as compensation for their services for the time actually and necessarily employed. Such compensation shall be paid only out of the fund of the county created by this act for that purpose and shall be in an amount determined by the township board as provided by K.S.A. 80-207, and amendments thereto.

History: L. 1909, ch. 181, § 3; L. 1919, ch. 315, § 2; R.S. 1923, 80-1204; L. 1996, ch. 184, § 9; May 2.

Source or prior law:
L. 1903, ch. 378, § 5.

Cross References to Related Sections:
General provisions, see 80-302.
Other special provisions, see "Cross References to Related Sections" under 80-302.

Attorney General's Opinions:
Township clerk; duties. 81-288.
Compensation of members of township boards. 95-113.

80-1205. Same; custody and disbursement of funds. The township trustees shall be the custodians of the fund created by this act, and disburse the same on vouchers audited by the township boards at their regular quarterly meetings and warrants drawn on the treasurer for the same: *Provided,* That no part of this fund shall be subject to the payment of claims other than those specified in this act.

History: L. 1909, ch. 181, § 4; April 3; R.S. 1923, 80-1205.

Source or prior law:
L. 1903, ch. 378, § 6.

80-1206. Same; payment of moneys to township treasurers. The county treasurers of the several counties of this state are hereby authorized and directed to pay over to the several township treasurers of their respective counties all the moneys collected for the purpose designated in this act, in the mode and manner as other township funds are paid over to said township treasurers.

History: L. 1909, ch. 181, § 5; April 3; R.S. 1923, 80-1206.

Source or prior law:
L. 1903, ch. 378, § 7.

80-1207. Same; surplus funds; use. Whenever any township of this state shall have rid itself of the prairie dogs and there shall cease to be a necessity of any future procedure under this act (which question shall be determined by the board of county commissioners and the trustee of such township), the surplus fund, if any, in the hands of the township treasurers shall be merged into the general township funds of said townships and to be used for general township purposes.

History: L. 1909, ch. 181, § 6; April 3; R.S. 1923, 80-1207.

Source or prior law:

L. 1903, ch. 378, § 9.

80-1208. Same; penalty for failure to perform duties. Any township trustee or board of county commissioners failing to perform any of the duties imposed upon them by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof be subject to a fine of not less than fifty dollars nor exceeding one hundred dollars for each offense thus committed.

History: L. 1909, ch. 181, § 7; April 3; R.S. 1923, 80-1208.

Article 13.—LICENSES

80-1301. When license required. It shall be unlawful for any person, club or corporation, society, or company of persons to set up or keep any billiard table, pool table, roller-skating rink or bowling alley upon which games are permitted to be played for hire, or to keep any public billiard hall, pool hall, roller-skating rink, bowling alley, or engaging in the business of conducting public dance halls or public dances in any township in this state, outside of any incorporated city, without first taking out and then and there having a license therefor.

History: L. 1886, ch. 166, § 1; R.S. 1923, 80-1301; L. 1927, ch. 338, § 1; L. 1941, ch. 391, § 1; June 30.

Research and Practice Aids:

Theaters and Shows ⇐ 3.
C.J.S. Theaters and Shows §§ 17 to 30.

Attorney General's Opinions:

Township board; auditing board. 81-141.

CASE ANNOTATIONS

1. Section held constitutional and valid. *The State v. Sherow*, 87 K. 235, 123 P.2d 866.

80-1302. Issuance. The township trustee, township treasurer and township clerk in each organized township in the state, for the purpose of carrying out the provisions of this act, shall constitute the township board of such township, and shall have power to issue licenses for billiard halls, pool halls, bowling alleys, roller-skating rinks and dance halls within their respective townships, whenever, in their judgment it shall be to the interest of their respective townships to grant the same.

History: L. 1886, ch. 166, § 2; R.S. 1923, 80-1302; L. 1927, ch. 338, § 2; L. 1941, ch. 391, § 2; June 30.

CASE ANNOTATIONS

1. Section held constitutional and valid; no appeal provided for. *The State v. Sherow*, 87 K. 235, 237, 123 P.2d 866.

2. Cited in holding township trustee, treasurer and clerk constitute township board. *Johnson v. Reno County Comm'rs*, 147 K. 211, 227, 75 P.2d 849.

80-1303. Fee for license; signing and attestation; term. Before any license shall be issued as aforesaid the person or persons to whom said license is issued shall pay to the township treasurer, for the use of such township, such sum of money as the township board may agree upon, not less than five dollars (\$5) for each billiard table, pool table, bowling alley, roller-skating rink or public dance hall, for which license said person or persons shall designate the place in said township where such billiard table, pool hall, bowling alley, roller-skating rink or public dance hall shall be kept, and the person or persons by whom the same shall be kept, and shall be signed by the township trustee and township treasurer, and attested by the township clerk, and shall be for the term of one year unless sooner revoked by said township board.

History: L. 1886, ch. 166, § 3; R.S. 1923, 80-1303; L. 1927, ch. 338, § 3; L. 1941, ch. 391, § 3; June 30.

Research and Practice Aids:

Theaters and Shows ⇐ 3.
C.J.S. Theaters and Shows §§ 17 to 30.

Attorney General's Opinions:

Township clerk; duties. 81-288.

80-1304. Violation of act; penalty. Any person or persons or managing agent of any corporation, society or club, setting up or keeping any billiard hall, pool hall, billiard table or tables, pool table or tables, bowling alley or alleys, roller-skating rink or rinks, or engaging in the business of conducting public dances or public dance hall or halls, without first taking out and having a license as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction of such offense before any court of competent jurisdiction, shall be fined in a sum not less than fifty dollars (\$50) and not more than one hundred dollars (\$100).

History: L. 1886, ch. 166, § 4; R.S. 1923, 80-1304; L. 1927, ch. 338, § 4; L. 1941, ch. 391, § 4; June 30.

80-1305. Revocation of license. The license provided for in this act may be revoked at any time, at the pleasure of said township board.

Testimony to House Agriculture Committee
HB 2866
Charles D. Lee
Extension Wildlife Specialist
Department of Animal Sciences and Industry
Kansas State University
February 21, 2000

Background

I have been asked by Chairman Johnson to provide some history concerning prairie dog management efforts in Kansas.

I have been involved in management of prairie dogs for over 20 years. Some of that time was spent controlling prairie dogs as a commercial business prior to beginning work with Kansas State University in 1986. In 1987, I prepared a report on attitudes of Kansans concerning prairie dogs. In 1989, I completed a process to inventory prairie dog acreage in eight counties in Kansas using aerial photography. Since that time I have either been employed by Kansas Department of Wildlife and Parks or Kansas State University with job responsibilities that include the operation of an educational program on techniques to control and prevent damage caused by wildlife. I currently provide information to the public on prairie dog management. The extension approach is to teach the landowners how to prevent and control wildlife damage themselves. It is an educational program and not usually a direct or operational program.

History

Kansas State University has been involved in prairie dog management for almost 100 years. In 1901 the State Legislature instructed the Kansas State Agricultural College to conduct experiments on methods of controlling prairie dogs and to procure and furnish the proper materials for prairie dog control. K-State Research and Extension still conducts educational programs on prairie dogs and their control and helps landowners wishing to control prairie dogs to obtain the proper legal materials for that purpose.

Damage

Prairie dogs have been controlled on rangelands for many years. Most control efforts occurred because of perceived competition between domestic livestock and prairie dogs for range forage. Prairie dogs feed on many of the same grasses and forbs that livestock do. Annual dietary overlap has been estimated from 64 to 90%. The first published estimates of prairie dog damage were those of C. Hart Merriam of the U.S. Biological Survey. Merriam (1901) estimated that 32 prairie dogs would eat as much as one sheep and 256 prairie dogs would eat as much as one cow, and that prairie dogs can reduce the productive capacity of the land 50 to 75%. That 50 to 75% loss figure was repeated by numerous later writers but not all attributed the estimate directly to Merriam. Bonham and Lerwick (1976) have presented information from studies in eastern Colorado which tends to dispute earlier claims of extensive damage caused by prairie dogs.

They concluded that "since both perennial grasses and forbs have increased as a result of prairie dog activities and are useful as livestock forage, it cannot be said that prairie dogs are always destructive to rangelands." Klatt and Hein (1978) came to the conclusion that "eradication of prairie dogs would not significantly improve shortgrass prairie for cattle during the first few years following abandonment of the towns." It is important to know that neither of these studies attempted to measure actual productivity of the rangeland and that percent cover is not strictly analogous to production (Bjugstad and Whitman 1970). O'Melia et al. (1982) found no differences in forb production on pastures with steers only and with steers plus prairie dogs. However availability of blue grama (*Bouteloua gracilis*) and sand dropseed (*Sporobolus cryptandrus*) and other grass species was significantly reduced on pastures with prairie dogs. More recently authors have concluded that although some degree of grazing competition may exist between livestock and prairie dogs, that competition is offset by increased nutrient content of clipped forage and regrowth (Barko 1997, Coppock et al. 1983, Detling, 1998).

Control

It is important for land managers to recognize the positive and negative effects of prairie dogs on rangeland and on other species. Before developing a comprehensive management program, land managers should answer several questions. For example, what is the primary use of the rangeland: livestock, wildlife or both? Do you care that the prairie dog colonies of concern are important for other wildlife species? What level of prairie dog density will be tolerated? Is the rangeland in good or poor condition? What is the purpose of the proposed management plan: increase, decrease or maintain current colony sizes?

Traditional management techniques focused almost exclusively on reducing prairie dog numbers. The most widely used techniques include shooting and the use of toxicants. Intensive shooting may successfully control prairie dog numbers by disrupting reproductive activities and removing individual animals (Andelt 1984). Toxicants that are legal for prairie dog control include poison grain and burrow fumigants. Two % zinc phosphide grain bait is most frequently used to decrease or maintain colony size. Use of that product typically results in a 65-75% reduction in the population. Aluminum phosphide burrow fumigants usually result in 85-95% reduction. The use of visual barriers and deferred grazing management have also been used to reduce or eliminate prairie dogs (Snell 1985).

Several researchers have concluded that it is not economically feasible to treat prairie dogs on shortgrass rangeland with zinc phosphide in South Dakota because the cost of annual control exceeds the value of forage gained (Collins et al. 1984, Uresk 1985). The cost-effectiveness of prairie dog control depends greatly on the age, density and size of the prairie dog colony; soil and grassland type; rainfall; and control method employed (Hygnstrom and Virchow 1994).

Literature Cited

- Andelt, W.F. 1984. Managing prairie dogs. Coop. Exten. Serv. Kansas State Univ., Manhattan. 12pp.
- Barko, A.M. 1997. History of policies concerning the black-tailed prairie dog: a review. In Proceedings of Oklahoma Academy of Science 77:27-33.
- Bjugstad, A.J. and W.C. Whitman. 1970. Significance of reduced plant vigor in relation to range condition. J. Range Manage. 23:181-184.
- Bonham, C.D. and A. Lerwick. 1976. Vegetation changes induced by prairie dogs on shortgrass range. J. Range Manage. 29:221-225.
- Collins, A.R. J.P. Workman, and D.W. Ursek. 1984. An economic analysis of black-tailed prairie dog *Cynomys ludovicianus* control. J. Range Manage. 37: 358-361.
- Coppock, D.L., J.E. Ellis, J.K. Detling, and M.I. Dyer. 1983. Plant-herbivore interactions in a North American mixed-grass prairie. Oecologia (Berlin) 56:1-15.
- Detling, J.K. 1998. Mammalian herbivores: ecosystem-level effects in two grassland national parks. Wildl. Soc. Bull. 26:438-448.
- Hygnstrom, J.E. and D.R. Virchow. 1994. Prairie dogs. In Prevention and Control of Wildlife Damage. Univ. of Neb.-Lincoln.
- Klatt, L.E. and D. Hein. 1978. Vegetative differences among active and abandoned towns of black-tailed prairie dogs *Cynomys ludovicianus*. J. Range Manage. 31:315-317.
- Merriam, C.H. 1902. The prairie dog of the Great Plains. U.S. Dept. Agric. Yearbook for 1901. pp 257-270.
- O'Melia, M., F. Knopf, and J. Lewis. 1982. Some consequences of competition between prairie dogs and beef cattle. J. Range Manage. 35:580-585.
- Snell G.P. 1985. Results of control of prairie dogs. Rangelands. 7:30.
- Ursek, D.W. 1985. Effects of controlling black-tailed prairie dogs on plant production. J. Range manage. 38:466-468.

House Committee on Environment
February 21, 2000

Testimony on House Bill No. 2866
Steve Williams, Secretary
Department of Wildlife and Parks

Thank you for the opportunity to testify on HB 2866 concerning the repeal of certain laws related to prairie dog eradication.

Last year, the United States Fish and Wildlife Service (USFWS) received a petition to list the black-tailed prairie dog on the federally threatened and endangered species list. This list would provide elements of protection for the species and its habitat. Based on our knowledge of prairie dog habitat and population status in Kansas, the department joined other state fish and wildlife agencies to oppose this listing. Since that time, we have been working with these states to develop a conservation plan for the prairie dog within its historical range. The USFWS recently ruled that the listing status of the prairie dog is “warranted but precluded.” In essence, this ruling states that the prairie dog is a candidate for listing but because of higher priority species and funding limitations, the species would not be listed at this time. The “warranted but precluded” status does not afford protection but does require states to undertake plans to keep the species from future listing action. The status of the species will be evaluated on an annual basis.

The department is presently planning three public workshops in western Kansas to develop a conservation plan for Kansas. This plan will be submitted to the USFWS for their review. If states develop effective plans to improve the future status of these species and its habitat, we may be able to remove the prairie dog from consideration for any listing action. For that reason, we support HB 2866. This action casts the species in a different light in terms of its level of protection and status within the state. HB 2866 provides the USFWS with a positive example of the state’s willingness to work with private property owners to address species concerns.

Thank you for the opportunity to comment.

2-21-2000

**Statement of Ron Klataske
Executive Director, Audubon of Kansas
to the Kansas House of Representatives,
Committee on Agriculture
concerning H.B. 2866**

My name is Ron Klataske and I live in Manhattan. I am a native of Kansas and have been involved in farming and ranching most of my life. I am responsible for management of approximately 1,100 acres of grazing land, cropland and property devoted to wildlife habitat enhancement. I have a Bachelor's degree in wildlife biology from Kansas State University and a Master's degree from the University of Maine

I am here today on behalf of Audubon of Kansas. Audubon of Kansas represents approximately 5,000 Audubon members throughout the state and eleven community/regional Audubon chapters. Audubon members enjoy the wildlife resources of our state and support professional wildlife management, and they are dedicated to principles of good land stewardship. Our state Board of Trustees consists of 28 prominent conservation and community leaders. Fourteen of them own/operate farms or ranches and several others have an agricultural background or are involved in land management in other ways. Thus, we welcome this opportunity to work with your committee to create a more accommodating statutory environment for native wildlife in Kansas and the rights of landowners who choose to have prairie dog colonies and other native wildlife on their own property.

We are particularly pleased that the Agriculture Committee is in a position to provide leadership on this issue. Approval of House Bill 2866 will reflect progressive legislative leadership, and help to project a positive image of agricultural leaders working in harmony with wildlife conservation representatives for complementary purposes.

That will be particularly valuable now because publicity relating to the recent announcement by the U.S. Fish and Wildlife Service will draw more attention to these antiquated statutes. Classification of the black-tailed prairie dogs as "warranted but precluded" under the Federal Endangered Species Act, rather than "threatened" has the advantage of giving all of us more time to respond in favorable ways such as with repeal of these statutes.

Eleven Great Plains and western states and several federal agencies have been working for the past year in a dedicated effort to develop a Conservation Strategy to keep this species from slipping to the point where it would become a threatened species both biologically across much of its range and legally under the Federal Endangered Species Act. Removing statutes that mandate that landowners must eradicate prairie dogs is one of the most important and progressive ways that the State of Kansas can provide leadership to prevent this from happening.

One of the best ways to minimize the need for listing will be for agencies, organizations and landowners to work together with voluntary programs that will provide for prairie dog conservation on specific lands. Some landowners--both of small acreages and large ranches--throughout parts of central and western Kansas will elect to accommodate one or more prairie dog colonies on their land and that alone may help to keep the species from being imperiled. A few

House Agriculture Committee
February 21, 2000
Attachment 5

landowners will incorporate prairie dog management into their wildlife conservation/stewardship plans. Many owners of ranch and farm land enjoy having a diversity of wildlife on their land and many implement practices to provide habitat. Many accommodate small colonies of prairie dogs on their land, and a few others with large holdings are interested in the possibility of having larger colonies to enhance the prospect of having burrowing owls, black-footed ferrets, swift foxes, golden eagles, ferruginous hawks, mountain plovers and other species that are often associated with prairie dog colonies.

If colonies of prairie dogs thrive in a number of locations the species is less likely to require federal or state listing as a threatened species. Success with initiatives of this nature could conceivably reduce the need for possible future restrictions on the control of prairie dogs on other lands.

I believe that repeal of 80-1201 to 80-1208 will help advance conservation of this federal *candidate species* in a way that will be in the interests of both wildlife enthusiasts and ranchers--even those who want to control or completely eradicate prairie dogs on their land. We acknowledge that most ranchers and farmers do not want prairie dogs colonies on their land because the presence of prairie dogs does not always complement other stewardship or production objectives. They can be detrimental to rangelands and encroach on to the edge of croplands.

Based on conversations with local county officials and Mr. Mike Heim, an authority on Home Rule with the Office of Legislative Research, it is my understanding that under "*Home Rule authority*" counties would continue to have authority to conduct prairie dog control programs. However, with repeal of these outdated statutes these would appropriately need to be designed more as cooperative service programs available to landowners requesting assistance. County officials would have to establish "a finding" (with a factual basis) that a colony on subject land created a public nuisance before landowners could be forced to eradicate the animals. This would give landowners more of a voice in the decision making process, and help to restore property rights.

For all of these reasons and others outlined in the attachment and offered by other witnesses, we urge the Committee to approve House Bill 2866 and work for its enactment in this legislative session.

Information Sheet on House Bill 2866 and Repeal of Kansas Statutes 80-1201 thru 80-1208

Repeal Of 80-1201 Thru 80-1208 (as provided for by House Bill 2866) Would Restore Property Rights To Ranch And Farm Landowners

These statutes erode the rights of landowners to manage their own property. They allow others to come on their property without permission, and in some cases without notice, to distribute poisons that will kill prairie dogs and other wildlife. Adding insult to injury, the landowners can then be presented with a bill for the poison materials and application costs and that can be placed as a lien upon the real estate.

Many owners of ranch and farm land enjoy having a diversity of wildlife on their land and many implement practices to provide habitat. Many accommodate small colonies of prairie dogs on their land, and a few others with large holdings are interested in the possibility of having larger colonies to enhance the prospect of having burrowing owls, black-footed ferrets and other species that are often associated with prairie dog colonies. Other species include swift foxes, golden eagles, ferruginous hawks and mountain plovers.

Agricultural Leaders In The Kansas Legislature Have An Opportunity To Provide Leadership

The continued existence of 80-1201 thru 80-1208 project an antiquated image of the State of Kansas to both residents in the state and others throughout the country with an interest in wildlife and nature. Repeal of those statutes would remove this stigma, reflect progressive legislative leadership, and help to project a positive image of agricultural leaders working in harmony with wildlife conservation representatives for complementary purposes.

Repeal Of 80-1201 Thru 80-1208 Would Not Prevent Landowners From Eradicating Prairie Dogs From Their Land Or Agencies And Entities Of Government From Assisting With Control Programs

Repeal will not limit the ability of landowners to control prairie dogs or to obtain assistance from state and county officials. It would simply restore landowners' rights to make the decisions as to whether to maintain, enhance, manage or control prairie dog colonies on their own land.

Under Home Rule authority counties would continue to have authority to conduct prairie dog control programs, however county officials would have to establish "a finding" (with a factual basis) that a colony on subject land created a public nuisance before landowners could be forced to eradicate the animals. This would give landowners more of a voice in the decision making process, and help to restore "property rights".

The Kansas State University Cooperative Extension Service in Manhattan provides assistance to landowners or counties with prairie dog problems and that would continue with or without repeal of these statutes. Likewise, landowners could continue to hire commercial applicators for control or "eradication" programs on their property.

Wildlife Eradication Was A Commonplace Practice in 1903

80-1201 thru 80-1208 are antiquated statutes based on a turn-of-the-century (1900) philosophy that wildlife species that present problems should be eradicated. It was a philosophy that seemingly applied to everything from "prairie dogs, moles and gophers" (as contained in these statutes) to hawks, owls, and eagles (both golden and bald eagles).

Carolina *paroquets*, once abundant from eastern Kansas to the eastern seaboard, were exterminated because of their "proclivity to destroy (eat) berries and orchard fruits" (BIRDS IN KANSAS, published by Kansas State Board of Agriculture, 1946) and became extinct in the wild (and then in captivity) early in the 20th Century. Due to the wholesale destruction of prairie dog colonies, black-footed ferrets were extirpated from Kansas and all of the Great Plains. Then, the last remaining wild ferrets in existence were found in the Big Horn Basin of northwestern Wyoming in 1981, and that colony became the source for a captive breeding program which now makes it possible to reintroduce these native animals back into the wild.

Progressive Wildlife Conservation And Management Programs Have Replaced "Persecution"

The populations of many species were decimated because of the "what good are they" philosophy, and several decades passed before conservation attitudes led to the type of progressive programs and public support for conservation we recognize and applaud today. Wildlife conservation is now an integral part of state and federal farm programs, it is incorporated in 4-H education and demonstration projects, and high school FFA conservation education initiatives have replaced the bounty contests which awarded points for the killing of a long list of species up until the 1950s. Management of habitat and wildlife populations has replaced eradication programs. Wildlife damage control programs may include population control or rely on other management practices.

Repeal Of 80-1201 Thru 80-1208, And Other Progressive Measures By A Few Land Managers May Help To Minimize The Need For Federal Listing Of The Black-Tailed Prairie Dog As A Threatened Species

In 1998 concern over the plight of black-tailed prairie dogs and associated wildlife promoted a national organization to petition for listing the black-tailed prairie dog as a federally threatened species. This was the second petition in the past decade. Both resulted from recognition that prairie dog numbers have been reduced by 98 percent or more, and poisoning eradication campaigns continue in many areas. One of the best ways to minimize the need for listing will be for agencies and landowners to work together with voluntary programs that will provide for prairie dog conservation on specific lands. Several Kansas landowners have expressed an interest in maintaining and/or enhancing prairie dog colonies on their property. Success with initiatives of this nature could conceivably reduce the need for possible future restrictions on the control of prairie dogs on other lands. States certainly have time to work in a positive way now that the USFWS has designated the black-tailed prairie dog as "Warranted, but Precluded" rather than "Threatened". The species will be classified as a *candidate species*, and the status of the species will be reviewed annually. This conservation strategy has been successfully employed to advance recovery of the swift fox.

Prepared by Audubon of Kansas 2-8-2000
For additional information please contact:
Ron Klataske, Executive Director
Audubon of Kansas
813 Juniper Drive
Manhattan, KS 66502
785-537-4385 rklataske@hotmail.com

VOL. 193, NO. 4



APRIL 1998

NATIONAL GEOGRAPHIC

ORINOCO RIVER 2
ROMAN SHIPWRECKS 32
AUSTRALIA BY BIKE III 42
RONGELAP ATOLL 62
OZARKS HARMONY 76
LIFE GROWS UP 100

The Vanishing Prairie Dog 116

The Vanishing Prairie Dog



NATIONAL ARCHIVES

Seen both as vermin and as victims, black-tailed prairie dogs scan for predators in the South Dakota Badlands. Habitat destruction, shooting, and poisoning—the method federal agents in Arizona used to exterminate this pyramid of dogs in the early 1900s—have eliminated the rodents from about 98 percent of their range.

I am a professional ornithologist employed at the Natural History Museum at the University of Kansas. I am representing the Kansas Ornithological Society (which comprises many of the state's birdwatchers and ornithologists), and I am also testifying as a concerned Kansas citizen and biologist, and I am expressing the viewpoint of the vast majority of my colleagues at the Natural History Museum. We strongly support the passage of H.B. 2866 that repeals the state mandatory control statutes. We support the passage of this bill from a biological standpoint, as well as for moral reasons. Given the time constraints and the area of my expertise, I will emphasize reasons why prairie dogs are integral to the well-being of a number of grassland bird species in the western half of Kansas.

It is no exaggeration to say that the Black-tailed Prairie-Dog is a keystone species for the short and mid-grass community of the Great Plains. One bird species that is particularly dependent on prairie dogs is the Burrowing Owl. The Burrowing Owl has suffered dramatic declines in this region as a direct result of prairie dog control. Biologists attribute Burrowing Owl declines to the loss of nest sites (burrows) due to colonial mammal control programs, in particular the poisoning of prairie dogs. Not only have these control programs killed off the Burrowing Owl nest site providers, but the poisoning has eliminated insects that the owls feed on, and these poisons are suspected of directly killing the owls.

The short-grass inhabiting Ferruginous Hawk, which specializes on prairie dogs and ground squirrels, also has suffered at the hands of prairie dog control. Because of declines this impressive hawk is listed as a species of Special Concern by the National Audubon Society, and, in Kansas, it is considered to be a "Species in Need of

Conservation.” Stan Roth, who has monitored Ferruginous Hawk nesting for 22 years in Kansas, has demonstrated that there is a strong correlation between the elimination of prairie dogs and the demise of nesting Ferruginous Hawks.

The Mountain Plover, which has suffered 50 – 90 percent declines in adjacent northeastern Colorado (one of the core breeding areas for this plover), has been recommended for federal listing. Mountain Plovers have a strong association with prairie dogs and it has been recommended in Montana that control of prairie dogs reduces suitable breeding habitat for this intriguing bird. Once common in the western high plains of Kansas, now only a handful of pairs breed in the state.

Prairie Dogs also are an important food item of the declining Golden Eagle. When nesting near prairie dog colonies, at least half of the Golden Eagle’s diet is composed of prairie dogs. The Golden Eagle is on the verge of extirpation as a breeder in Kansas, and like the Ferruginous Hawk, it is a “Species in Need of conservation” in Kansas.

Not only are prairie dog communities important to several rare species, but a number of common birds, such as the Horned Lark and the Kansas state bird, the Western Meadowlark, extensively use the dog towns for foraging and nesting.

As illustrated from the few examples that I have given, prairie dogs are instrumental to the well-being of a number of Kansas grassland birds. The people of Kansas, who are concerned with bird conservation, urge you to repeal the mandatory control prairie dog programs.

Mark Robbins
Lawrence, KS

House Bill No. 2866 -- Testimony in favor of enactment

Alan J. Pollom, Vice President and Kansas Director of The Nature Conservancy

Mr. Chairman and members of the committee, I am here to offer testimony as a representative of The Nature Conservancy and its 8,000 Kansas members. The Nature Conservancy is a non-profit conservation organization that operates the world's largest system of privately owned natural area preserves. Our status is probably unique among those parties appearing before you today. The Conservancy is a large private landowner with prairie dogs occurring on various lands that we manage. We recognize that many land managers have historically considered prairie dogs a nuisance animal. The focus of our management, however, is the promotion of healthy populations of our native wildlife in their natural habitat.

In order to accomplish our goals, we feel strongly that we should have the latitude to undertake management of the wildlife occurring on our preserves without undo interference through mandatory regulations. In the same manner, we feel that other landowners should have a wide range of options available to them in terms of prairie dog management. That management flexibility will cease to exist if the black tailed prairie dog becomes listed under the Endangered Species Act.

With the vast proportion of prairie dog habitat in Kansas privately owned, it may be especially important for private landowners to have the option of voluntarily assisting in the recovery of sufficient prairie dog populations to avoid the possibility of a listing under the federal act.

I would also point out that a large number of other prairie species are closely tied to prairie dog towns for the unique habitat that they offer or the abundant prey base present. A strong argument can be made that by preserving adequate prairie dog populations we are taking preemptive action that significantly lessens the chance that these other associated prairie species will become future candidates for "endangered" status.

I would conclude by noting that over the next few months the Kansas Department of Wildlife and Parks will be drafting a prairie dog recovery plan for Kansas. This plan will draw from the collective ideas put forward by a wide cross-section of stakeholders. It should be a plan that makes sense for the citizens of our state rather than waiting for federal mandates to be imposed. For a voluntary Kansas plan to be successful it is absolutely necessary that contradictory statutes enacted nearly 100 years ago be repealed. We therefore request that the committee take favorable action on House Bill No. 2866.

(Feb. 21, 2000)

House Agriculture Committee
February 21, 2000
Attachment 7

February 21, 2000

Chairmans Johnson and Morris and the Agriculture Committee:

I am here today to testify on behalf of House Bill 2866 which would repeal statutes 80-1201 through 80-1208 and restore property rights to ranch and farm landowners and allow them to voluntarily manage their land for prairie dogs and other wildlife.

Our current method of "managing" prairie dogs by poisoning and fumigating not only affects the prairie dog population but also anything in the food chain that feeds on the poisoned prairie dog. It also puts at risk any other animal that might eat the poison directly. As a result, animals such as the swift fox, an animal in need of conservation, or any other animal that would eat carrion, could be killed by the residual poison. Burrowing owls, birds of prey that use the prairie dog burrows for their homes, are also at risk of being killed when these burrows are fumigated.

As a wildlife rehabilitator, I have had to personally deal with animals that have been poisoned and it is not a pretty sight. It can be a long, agonizing death. Even if the poisoning process is stopped, there is often no way to reverse the damage the poisoning has done to the animal.

Today we face a variety of problems created by escalating urban sprawl. One of the problems is the loss of habitat for our native wildlife. I appreciate the generosity of landowners who are willing to share their property with our native wildlife and think they should be encouraged.

Landowners should have the right to refuse government intervention when it comes to controlling prairie dogs by the dangerous and inhumane methods currently used. Please allow landowners to make their own decision whether or not they want prairie dogs on their property.

Please support House Bill 2866.

Respectfully submitted,
Alison A. Pearse
11105 W. 99th Place
Overland Park, KS 66214

House Agriculture Committee
February 21, 2000
Attachment 8



February 21, 2000

Re: House Bill 2866 Assigned to House Agriculture Committee

Testimony

The Kansas Chapter of the Sierra Club endorses House Bill 2866. We understand that this bill, if passed, would repeal state statutes 80-1201 thru 80-1208 enacted almost one hundred years ago. These statutes give county and township officials authority to require landowners to eradicate prairie dogs.

Kansas is blessed to contain Western shortgrass prairie habitat, the ecoregion known as the Great Plains which is the only region where prairie dogs thrive. Being mindful that the prairie dog habitat is now only two percent of what it was prior to the 1840s, the Sierra Club has grave concerns that Kansas is not fulfilling its responsibilities to encourage the survival of this native species. The Sierra Club reminds you that not only does the extinction of any species diminish the human experience, but the loss of one so unique to our state would constitute a quality of life issue for Kansans so privileged to witness prairie dogs' presence among us.

We remind lawmakers that the prairie dog is linked to over 170 other wildlife species dependent upon or found near prairie dog colonies. Prairie dog extinction would threaten an entire ecosystem that many Kansans are proud of. Such natural riches deserve defending. The Kansas Chapter of the Sierra Club respects this great state's ability to farm the land to produce food for millions. However, when this economic incentive impoverishes the biology of the region,

the quality of life for all Kansans, both human and wild, suffers.

Many of our 3600 members of the Sierra Club in Kansas are hungry despite all the food that this great state produces. We are hungry for opportunities to witness the rich array of native wildlife unique to this biosphere. Because only 2% of our land in Kansas is open to the public, Sierra Club members are hard pressed to satisfy our hunger to witness wildlife locally. To further compound this frustration, the income producing practices on much of the privately owned land are threatening yet one more species. The Sierra Club is pleased to learn that some landowners share our same reverence for wildlife and support this bill being considered today. It protects them from the criminal act of **not** exterminating prairie dogs should they wish to exhibit the good stewardship necessary to protect this endangered, native species. To the Kansas Chapter of the Sierra Club this bill seems to be a unique opportunity for private property owners and conservationists/preservationists to come together in the best interest of our shared environment. This bill allows landowners to practice good stewardship and prevent the addition of this native species to the endangered list. The Sierra Club reminds Kansas legislators charged with consideration of Bill 2866 that a repeal of the arcane statutes requiring prairie dog extermination is a victory for both sides, environmentalists as well as farm and ranch owners.

This native wildlife protection issue has very high national visibility. At the state level, the prairie dog has become a cultural icon representing, in part, our long, proud history as a plains state. Perhaps this was the motivation for the erection of the "World's Largest Prairie Dog", a

cement statue in Oakley, Kansas. The Kansas Chapter of the Sierra Club encourages its state's governing body to show the Nation, by voting for this bill, that Kansas values both its cultural and natural heritage as embodied in this unique animal. Our state has managed to restore other threatened native species. We encourage the Legislature, by its action on this bill, to take a step toward restoration of this keystone species. It would be a national embarrassment if the cement prairie dog in Oakley, Kansas were the only one left standing because lawmakers failed to protect the real critter when they had the chance.

Thank you for your kind attention and consideration to this most urgent matter.

Sincerely,



Carey Maynard-Moody

Interim Chair

Wakarusa Group

Kansas Chapter of the Sierra Club

Testimony in Favor of H.B. 2866

Before the House Committee on Agriculture

February 21, 2000

On Behalf of the Kansas Natural Resource Council

Prepared by

Charles Benjamin, Ph.D., J.D.

Attorney at Law

401 Boulder Street

Lawrence, Kansas 66049

Mr. Chairman, members of the Committee, thank you for the opportunity to testify on behalf of the Kansas Natural Resource Council. KNRC wants to go on record in favor of H.B. 2866 that would repeal existing laws authorizing township officials to eradicate prairie dogs, in some cases, on private land. We support the repeal of the existing law (which is attached at the end of my testimony) for several reasons. First of all we believe that landowners should have the right to have prairie dogs and other native wildlife on their land. The right to have ones own land inhabited by native flora and fauna seems to us to be a fundamental property right. Second, prairie dogs are what is known as an indicator species and are part of the Kansas prairie ecosystem and provide food. Third, these kinds of outdated statutes project poorly on the stewardship of the State of Kansas. Fourth, by taking proactive action to protect prairie dogs the state might avoid the imposition of more onerous federal regulations designed to protect prairie dogs as threatened and endangered species (see attached Wichita Eagle article on potential federal action to protect prairie dogs).

On behalf of the Kansas Natural Resource Council I respectfully request that you recommend this legislation favorably for passage by the full House of Representatives. Thank you for your time and attention

HOUSE BILL No. 2866

By Committee on Agriculture

2-4

9 AN ACT repealing K.S.A. 80-1201, 80-1202, 80-1203, 80-1204, 80-
1205,
10 80-1206, 80-1207 and 80-1208, concerning the eradication of prairie
11 dogs.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 80-1201, 80-1202, 80-1203, 80-1204, 80-1205, 80-
15 1206, 80-1207 and 80-1208 are hereby repealed.

16 Sec. 2. This act shall take effect and be in force from and after its
17 publication in the statute book.

Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS

Article 12.--PRAIRIE DOGS, MOLES AND GOPHERS

80-1201. Destruction of prairie dogs, moles and gophers; expense from general fund. The township board of any township in this state, at any regular or special meeting, is hereby authorized to purchase material and to employ one or more suitable persons to destroy prairie dogs, moles and gophers within the limits of such township, any material so purchased and compensation for such services to be paid out of the general fund of such township.

History: L. 1901, ch. 273, § 1; R.S. 1923, 80-1201; L. 1965, ch. 548, § 1; June 30.

80-1202. Eradication of prairie dogs; duties of township trustees; entry upon land, exceptions; assessment of costs. In addition to the duties now prescribed by law for township trustees, in counties infested by prairie dogs, they may do and perform the following services: That the township trustees of the several townships in this state infested by prairie dogs may enter upon the lands so infested in their respective townships and make diligent efforts to exterminate all prairie dogs thereon. For the purpose of enabling them to carry into effect the provisions of this act, the trustees are authorized and empowered to employ all such assistance and to purchase the poison or such appliances and material as they may deem necessary to exterminate such dogs. The work of such extermination shall all be done under the supervision and direction of the trustees: *Provided*, That in any county having a population of more than four thousand (4,000) and less than five thousand two hundred (5,200) which contains no city of the second class and not more than two (2) cities of the third class, the trustees shall before entering upon the lands give written notice to any landowner who shall fail or refuse to make use of the materials offered or provided, that unless he or she endeavors to control such prairie dogs

according to the methods prescribed by the board of trustees will, within fifteen (15) days after the date specified in the notice enter upon his or her land and use the necessary materials to eradicate the prairie dogs thereon; and the trustees or their agents, may thereafter enter upon the land and proceed to eradicate such prairie dogs.

After eradication of such prairie dogs, the trustees shall immediately notify the landowner or landowners with an itemized statement of the costs thereof, and stating that unless such amount is paid within thirty (30) days from the date of the notice, that the amount shall become a lien upon their real estate. If such costs are not paid within thirty (30) days they shall be assessed against the property of the landowner and the township clerk shall, at the time of certifying other township taxes to the county clerk, certify the costs of such eradication and the county clerk shall extend the same on the tax roll of the township against such property and said costs shall be collected by the county treasurer and paid to the township as other township taxes are collected and paid.

History: L. 1909, ch. 181, § 1; L. 1919, ch. 315, § 1; R.S. 1923, 80-1202; L. 1965, ch. 548, § 2; L. 1969, ch. 472, § 1; L. 1972, ch. 384, § 1; March 20.

80-1203. Same; report of expense to county commissioners; tax levy. The trustees of the several townships infested by prairie dogs shall appear before the board of county commissioners of their respective counties at their annual meeting in August of each year, when they convene to make the annual tax levy, and make a report of the probable expense to exterminate the prairie dogs in their respective townships. And the commissioners of the respective counties, after receiving said reports, shall cause to be levied on real estate assessed for taxation in each township thus infested by prairie dogs the approximate amount estimated by the several trustees as herein provided, or any part thereof: *Provided, however,* That no assessment for this purpose shall be greater than seventy cents on each one hundred dollars valuation as herein provided.

History: L. 1909, ch. 181, § 2; April 3; R.S. 1923, 80-1203.

80-1204. Same; compensation of trustees and assistants. The trustees of each township and their assistants shall receive as compensation for their services for the time actually and necessarily employed. Such compensation shall be paid only out of the fund of the county created by this act for that purpose and shall be in an amount determined by the township board as provided by K.S.A. 80-207, and amendments thereto.

History: L. 1909, ch. 181, § 3; L. 1919, ch. 315, § 2; R.S. 1923, 80-1204; L. 1996, ch. 184, § 9; May 2.

80-1205. Same; custody and disbursement of funds. The township trustees shall be the custodians of the fund created by this act, and disburse the same on vouchers audited by the township boards at their regular quarterly meetings and warrants drawn on the treasurer for the same: *Provided,* That no part of this fund shall be subject to the payment of claims other than those specified in this act.

History: L. 1909, ch. 181, § 4; April 3; R.S. 1923, 80-1205.

80-1206. Same; payment of moneys to township treasurers. The county treasurers of the several counties of this state are hereby authorized and directed to pay over to the several township treasurers of their respective counties all the moneys collected for the purpose designated in this act, in the mode and manner as other township funds are paid over to said township treasurers.

History: L. 1909, ch. 181, § 5; April 3; R.S. 1923, 80-1206.

80-1207. Same; surplus funds; use. Whenever any township of this state shall have rid itself of the prairie dogs and there shall cease to be a necessity of any future procedure under this act (which question shall be determined by the board of county commissioners and the trustee of such township), the surplus fund, if any, in the hands of the township treasurers shall be merged into the general township funds of said townships and to be used for general township purposes.

History: L. 1909, ch. 181, § 6; April 3; R.S. 1923, 80-1207.

5-9/

Feds move to protect prairie dogs

■ Kansas and seven other states have until August to come up with plans for protecting the animal, which many consider a pest.

BY JEAN HAYS
The Wichita Eagle

As Bob Bolen was out on the job Thursday trying to rid Wallace County of prairie dogs, federal biologists in Washington, D.C., were announcing plans to save the animal from extinction.

The black-tail prairie dog — a 3-pound, yipping, grass-eating ground squirrel found in Kansas and 10 other states — is rare enough that it deserves protection under the Endangered Species Act, they said.

But biologists for the U.S. Fish and Wildlife Service say they won't list it as a threatened species just yet because a dozen plants and animals are in more danger, and the agency doesn't have the money to save them all.

Instead, the service will give states, including Kansas, a year or more to save the critter on their own and avoid showdowns over private property rights that sometimes accompany such listings.

Thursday's announcement left Bolen wondering why the federal government would need to protect something landowners find so hard to get rid of.

"We've been at it 20 years, and we still haven't gotten the job done," said Bolen, Wallace County's noxious weed and prairie dog control officer.

Wallace County and its taxpayers have spent hundreds of thousands of dollars controlling prairie dogs. The population has declined drastically, he said, but only because of his constant vigilance.

Such government-sponsored wars on prairie dogs, including poisonings and shootings, led the National Wildlife Federation to petition the federal government to save the prairie dog.

The prairie dog is a so-called keystone species of the prairie, providing homes for the burrowing owl and swift fox, and food for eagles, said Steve Torbit, a senior scientist for the federation.

"If you like to see eagles, you have to have prairie dogs," he said. "We have to get past the idea that just because they are rodents that they somehow don't deserve to be alive."

Arguments over prairie dogs run hot. And they'll get a lot hotter in a few months to come as rescue plans are drafted.

The federal government received 15,000 letters about the proposal to list the species, with urban folks generally wanting

PRAIRIE DOGS

From Page 1A

to save them and rural folks wanting to eradicate them. The American Farm Bureau suggested that the name be changed to prairie rat so townfolk wouldn't confuse them with poodles.

"You have to believe me, we were careful on this one," said Pete Gober, a biologist for the Fish and Wildlife Service. "We are quite aware that some folks see them as pests and some folks see them as the keystone species of the prairie."

A century of disease, poisoning and shootings — not to mention having their homes plowed up or paved over — has taken its toll on the prairie dog, he said. The service fears they could be quickly wiped out.

At the end of the 1800s, prairie dog towns covered about 2 million acres in Kansas. Now they live on about 50,000 acres, with an estimated state population of a half-million to a million.

It took a lot of work to get those numbers down, ranchers say.

"Believe me, they will never run out of them, never," said Carolotta Brack, whose husband, Larry, has been shooting and fumigating them on their ranch near Leoti with little success.

"They are the hardest thing to get rid of. They multiply so fast, they are like mice."

The way she sees it, prairie dogs are an economic problem, stripping pastures of grass and competing with cattle for food. About 250 prairie dogs eat as much grass as one cow. They also attract rattlesnakes, she said, which share the underground

ENDANGERED SPECIES ACT

The Endangered Species Act gives the federal government broad powers to protect species it considers endangered or threatened.

The act also prohibits the federal government from engaging in any project that may threaten the habitat of an endangered species, which has led to delays in highway projects, dams, and logging and grazing on federal land. Reasons for listing species as endangered or threatened include:

- The animal's habitat is being destroyed or changed by development, agriculture, logging or other threats.
- The species is declining in number because of overhunting or commercial reasons.
- The species' existence is threatened by disease or predators.

"You have to believe me, we were careful on this one. We are quite aware that some folks see them as pests and some folks see them as the keystone species of the prairie."

Pete Gober, a biologist for the Fish and Wildlife Service

"If you have prairie dogs, you have rattlesnakes," she said. "I don't care for them all around my house, either."

Saving the prairie dog in Kansas will require a "change of attitude," said Keith Sexson, chief of the wildlife section of the Kansas Department of Wildlife and Parks. Prairie dogs are found primarily in the western third of Kansas.

Kansas has classified the black-tailed prairie dog as an "agricultural pest" since 1900, and some western counties, including Wallace, require landowners to eradicate prairie dogs. If a landowner refuses, the county

landowner the bill. Still, Kansas doesn't go to the extremes some states do.

Texas hands out poisons to landowners. Arizona managed to wipe out its entire population and is now faced with reintroducing them.

Kansas does require a hunting license to shoot prairie dogs, but places no limits on when they can be shot or the number a shooter can bag.

The federal government hopes that all states will change their laws by August to restrict recreational shooting.

Eight of the Plains states that are home to prairie dogs, including Kansas, have agreed to come up with a prairie dog conservation plan by August. Among the decisions: How many should a state have, and where will they live?

Sexson will meet with farm groups, environmentalists and landowners to answer those questions.

The federal government will review the states' progress annually and, if the number of prairie dogs continues to decline, will move to list it as a threatened species.

"This is a wake-up call to the

PHYSICAL CHARACTERISTICS

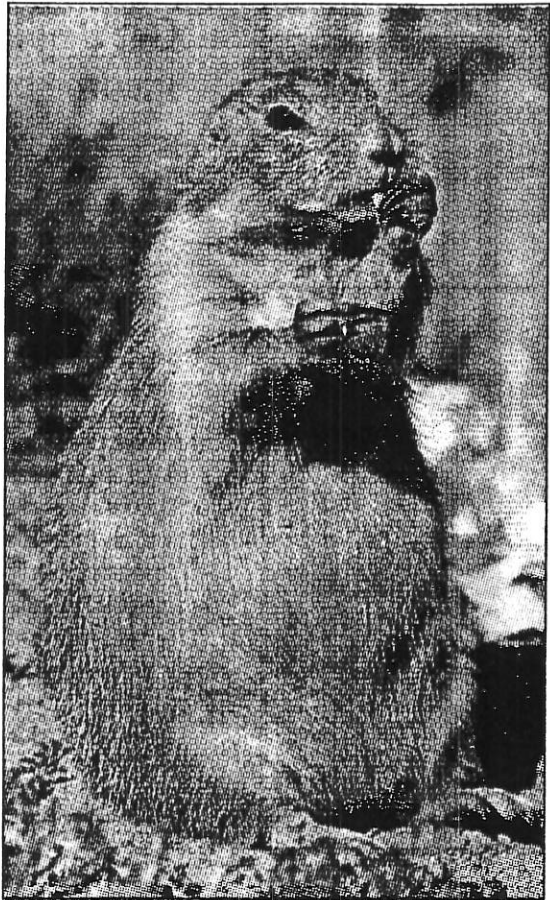
Length: 11 to 14 inches plus a 1- to 4.5-inch tail.
Weight: 1.5 to 3 pounds. Have an appearance of stout, large ground squirrels. Eyes are high on the head, giving a broad view.

DIET

Grasses and other plants.

LIFESPAN

Prairie dogs can live eight years, but few would as they have predators such as hawks, coyotes, badgers, foxes and bobcats.



Eagle file photo

SOCIAL HABITS

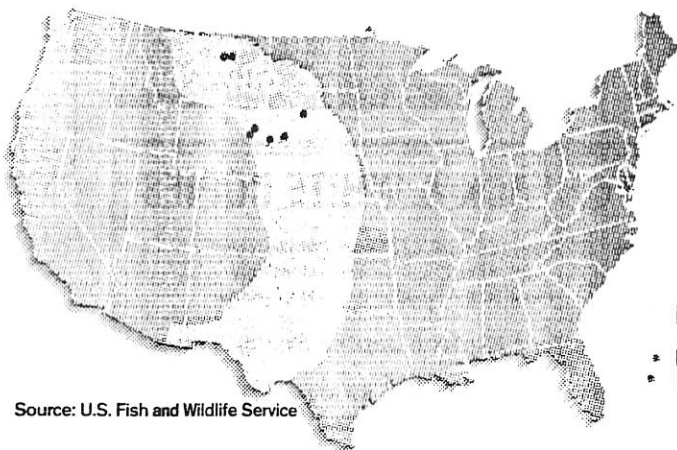
Prairie dogs live in highly structured colonies consisting of towns, which are composed of wards, which are in turn composed of coterie of about an acre in size. Each coterie is a family group of up to 20 members.

COMMUNICATION

By physical contact such as playing, nuzzling and grooming and by vocalization. When meeting, they touch their noses and incisors and sound alarm if danger is perceived.

REPRODUCTION

Mating occurs from January to April with a gestation of 28 to 32 days. Mother gives birth to three to five young who are weaned in about seven weeks.



Source: U.S. Fish and Wildlife Service

DOWNSIZED DOG TOWNS

While black-tailed prairie dogs are still found across the Plains, their population and the number of large colonies have decreased greatly. Naturalists estimate their current habitat to be about 1 million acres, down from 100 million acres in 1900. Some "towns" covered thousands of square miles. Today there are only seven larger than 10,000 acres.

Historic black-tailed prairie dog distribution

- * Current populations covering more than 10,000 acres

Summary of Testimony Regarding Bill # 2866

Michael T. McFadden, Past President
Kansas Chapter of The Wildlife Society

February 21, 2000

1. Introduction

The Wildlife Society is a non-profit scientific and educational society of nearly 10,000 professionals and students. These professionals are employed in government, academic institutions, and in private industry. Other members not professionally employed are sympathetic to the organizations goals.

Several of the organization's goals are pertinent to these hearings (See attachment 1):

- Specifically:
3. **Advance professional stewardship of wildlife resources and their habitats.**
 4. **Advocate the use of sound biological information for wildlife policy decisions.**
 5. **Increase public awareness and appreciation of the wildlife profession.**

TWS has developed policy statements that are pertinent to these hearings (See attachment's 2-4):

- Specifically:
- Responsible Human Use of Wildlife** (attachment # 2)
 - Wildlife Damage Control** (attachment # 3)
 - Hunting** (attachment # 4)

2. Position

The Kansas Chapter of The Wildlife Society **SUPPORT** of this bill for the following reasons:

This bill promotes the management of prairie dogs on a scientific conservation basis rather than by widespread eradication through the existence of Kansas Statutes 80-1201 thru 80-1208.

The repeal of statutes 80-1201 thru 80-1208, support the position statement developed by the Central Mountains and Plains Section of The Wildlife Society. Professional wildlife biologist throughout the CMPS area (comprised of the US states of Colorado, Kansas, Nebraska, North Dakota, South Dakota, Wyoming, and the Canada province of Manitoba), jointly developed that position statement which addresses the issue of Prairie Dog management and Federal T&E listing. (See attachment #5)

The passage of this bill will not prevent wildlife damage control efforts including recreational shooting. It will allow private property owners to manage their property on the basis of the best scientific information. Government and private landowners can be a partner in the management of our natural resources.

House Agriculture Committee
February 21, 2000
Attachment 11

About the Society

The Wildlife Society, founded in 1937, is the non profit scientific and educational society of nearly 10,000 professionals and students. Society members are dedicated to sustainable management of wildlife resources and their habitats. Ecology is the primary scientific discipline of the wildlife profession. The interests of the Society, therefore, embrace the interactions of all organisms with their natural environments. The Society recognizes that humans, as other organisms, have a total dependency upon the environment. It is the Society's belief also that wildlife, in its myriad forms, is basic to the maintenance of a human culture that provides quality living.

The mission of The Wildlife Society is to enhance the ability of wildlife professionals to conserve diversity, sustain productivity, and ensure responsible use of wildlife resources for the benefit of society.

The Society's Goals

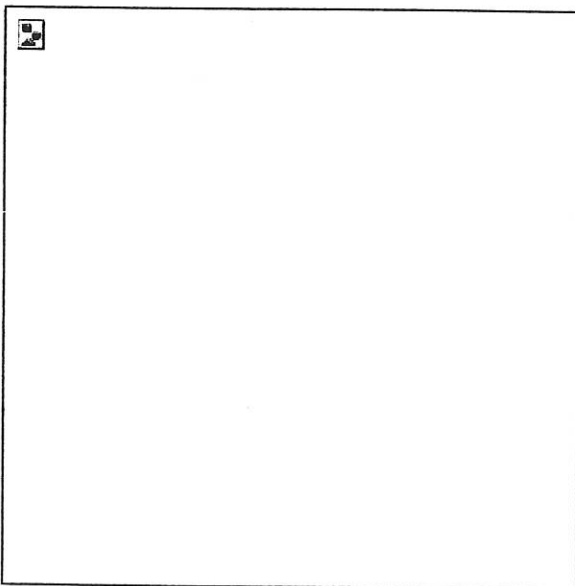
Develop and maintain professional standards for wildlife research and management.

Enhance knowledge and technical capabilities of wildlife managers.

Advance professional stewardship of wildlife resources and their habitats.

Advocate the use of sound biological information for wildlife policy decisions.

Increase public awareness and appreciation of the wildlife profession.



[The Wildlife Society's unique emblem features Egyptian hieroglyphics and depict our broad interest. The literal translation of the hieroglyphics, from top to bottom, is: beasts (mammals), birds, fishes, and flowering plants (vegetation).

Responsible Human Use of Wildlife

The continued well-being of humans and wildlife is dependent of a diverse, functioning environment sustained through skilled and responsible management of resources. As human populations increase, the quality and availability of habitats for many wildlife species and populations decreases. Each species, including humans, has evolved its own unique set of behavioral and social patterns for its welfare and survival in the environments it occupies. Human societies have recognized and accepted uses of wildlife for food, clothing, shelter, hunting, fishing, trapping, recreation, and as an indicator of environmental quality. These uses generate tangible goods, income, and contribute to the economic and spiritual well-being of society.

Humans are a part of a functioning environment and, as such, ultimately and legitimately derive their livelihood from the resource base. All humans and human societies use wildlife directly and/or indirectly. However, human uses of natural resources, including wildlife, must be carried out in a responsible manner so that ecological processes can continue to function and sustain a healthy environment.

Worldwide, the major factor in ecosystem disruption is human activity. Growth and development of human civilizations and technology have resulted in dramatic reduction and alteration of pristine habitats, greater dependence of man on domesticated animals, and changes in the functioning of most ecosystems. It has been demonstrated that regulation-minded citizens and resource management professionals, has slowed or reversed declines of many wildlife species. Prudent management practices and regulations, supported by a conservation-minded public have resulted in restoration of wildlife species and populations, and restoration of habitat productivity. This has allowed the continued responsible use--both consumptive and non-consumptive --of most wildlife by humans.

Failure to manage and regulate uses of wildlife and their habitats has resulted in declines in some wildlife populations and deterioration of ecosystem capabilities to support wildlife and human populations. The maintenance, restoration, and enhancement of wildlife populations and suitable habitats through scientific management and regulations are vital to ecological functioning, genetic diversity, and perpetuation of wildlife populations, species, and habitats.

The social acceptance of each use of wildlife reflects the cultural value systems of a particular society, the human benefits derived from the use, and the liabilities associated with using or not using the resource in a particular manner.

Humans are responsible for the stewardship of wildlife. Humans should manage and regulate uses of wildlife and their habitats in an ecological and social context that promotes sustained survival and welfare of wildlife populations in a variety of ecosystems.

Management of wildlife uses generally is achieved by regulating the human activities associated with those uses. The best way to maximize benefits to both wildlife and humans involved in these activities is through scientifically based and implemented management.

Human activities, particularly those altering habitats, have caused many significant environmental changes and corresponding adjustments in wildlife populations. Even inadvertent habitat impacts may have significant influence on wildlife sustainability.

Certain human activities have a minimal impact on the environment or wildlife. However, these activities are sometimes questioned. Responsible hunting, fishing, trapping, wildlife rehabilitation, wildlife feeding, and other appreciative or recreational uses of wildlife are among those activities. The "wise use" doctrine of conservation should place all activities on a sustainable basis.

Social appropriateness of any human activity is determined by members of society. However, the decision of an individual to participate or not in an activity should not prevent others from exercising their own freedom of choice within the realm of constitutional and statutory legality. Participation in or support of wildlife-related activities that do not have long-term detrimental impacts to wildlife populations or their habitats should be a matter of personal choice.

When people choose to be involved directly in responsible wildlife activities, the overall value of wildlife is enhanced. This enhanced resource value includes, but is not limited to, increased:

- economic importance;
 - cultural importance;
 - understanding of roles and needs of the resources;
 - ability in the long-term to support and perpetuate the resources;
 - ability to protect the ecological processes that sustain the resources; and
- ability to control negative aspects of the resource, such as crop depredation or disease implications.

The policy of The Wildlife Society with respect to responsible human use of wildlife is to:

1. Support and promote the philosophy that it is consistent with ecological principles and appropriate for humans to responsibly use wildlife for food, clothing, shelter, hunting, fishing, trapping, recreation, and as an indicator of environmental quality. These uses contribute to the economical and spiritual well-being of society.
2. Support and promote the philosophy that it is equally appropriate for humans to manage wildlife in ways to sustain and enhance wildlife populations, species, and habitats for human benefits, while responsibly protecting property and other resources and preventing health and safety hazards.
3. Support and promote the philosophy that it is consistent with ecological principles and appropriate for each individual to choose whether she or he should be directly involved in any wildlife-related activity.
4. Support and promote the philosophy that management of wildlife-related activities utilizes only those practices that do not threaten the integrity of a population of species for its long-term survival or significantly inhibit the health or integrity of the ecosystem(s) supporting that population or species.
5. Support and promote the philosophy that human wildlife-related activities enhance the overall value of wildlife resources. These enhanced values improve potential opportunities to protect and perpetuate wildlife, understand their habitat needs, and improve their economic, cultural, and social importance.
6. Support and promote the position that the future of wildlife and diverse ecosystems is dependent on human stewardship. Such stewardship must take into account the growing human population, decreasing availability of pristine wildlife habitats, and the need to maintain and manage wildlife populations for sustained human use and enjoyment in economically, socially, and environmentally acceptable ways for present and future generations.
7. Support and promote the position that humans are responsible for promulgating and enforcing laws and developing management programs essential to sustaining the long-term welfare of wildlife.
8. Support and promote the position that wildlife laws, management policies, and programs should enhance the values and benefits of wildlife resources, while minimizing liabilities associated with wildlife populations, species, and habitats.

Attachment # 2: TWS Position Statement, Page 3:

9. Support and promote the principle that options for wildlife management activities and habitat alterations be developed by trained wildlife professionals, and be implemented and coordinated through resource management agencies that are legislatively mandated and empowered to do so.
10. Support and promote positive educational efforts that emphasize:
 - the interdependence of humans and wildlife;
 - the obligations to manage uses of wildlife and impacts on habitats under the public trust doctrine of law; and
 - management programs based on the best available information from science and accumulated experiences.

Wildlife Damage Control

Wildlife sometimes causes significant damage to private and public property, other wildlife, their habitats, agricultural crops and livestock, forest and pastures, urban and rural structures, and they may threaten human health and safety or be a nuisance. Prevention or control of wildlife damage, which often includes removal of the animals responsible for the damage, is an essential and responsible part of wildlife management. Before wildlife damage control programs are undertaken, careful assessment should be made of the problem, with assurance that the techniques to be used will be effective and biologically appropriate.

The policy of The Wildlife Society, in regard to wildlife damage control and the alleviation of wildlife problems is to:

1. Support those wildlife damage prevention and/or control programs that are biologically, environmentally, and economically valid, effective and practical.
2. Encourage research to improve the methods of: (a) preventing and controlling wildlife damage, including health hazards and nuisance problems; (b) delineating the effectiveness and environmental impact of damage control programs; (c) assessing the damage caused by wildlife; and (d) assessing the alternatives available to landowners/managers for wildlife damage prevention and/or control.
3. Recommend wildlife damage control programs that are cost-effective with benefits outweighing the risk that might be encountered in preventing, reducing, or eliminating the damage problem.
4. Support the use of efficient, safe, and economical methods of controlling depredating animals.
5. Encourage and support educational programs in wildlife damage prevention and control.
6. Support biologically sound laws and regulations governing wildlife damage prevention and control directed at individual animals and/or populations.
7. Examine and consider the impact on all wildlife resources when landowners/managers do not have effective control measures and resort to the elimination of wildlife habitat to reduce serious depredation, or threats to human and domestic animal health and safety.

Hunting

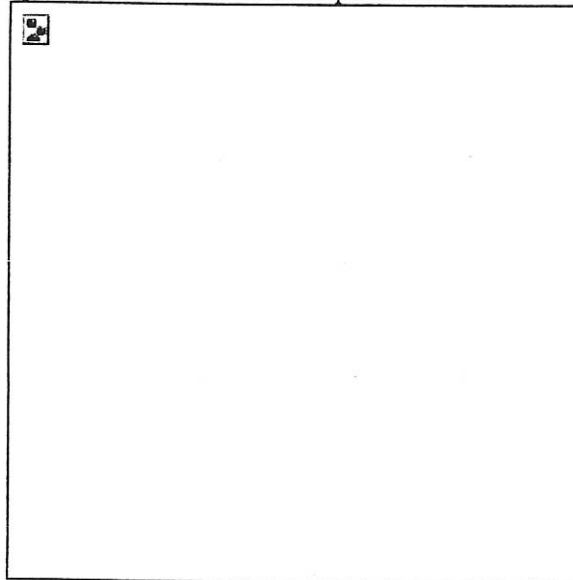
Hunting has co-evolved with the needs and cultures of mankind. Archaeological evidence indicates that early cultures are dependent upon wild animals for subsistence. As skills in animal husbandry and agriculture were acquired, dependence on hunting for subsistence decreased. Today hunting is principally useful for recreational purposes, for utilization of the harvestable surplus to benefit man, and for controlling populations.

Most wild animal populations produce more animals than their habitats can support. These surplus animals are removed by mortality factors that regulate population numbers within the limits of the habitat. Hunting can be used to remove a portion of these excess animals that would otherwise be lost to natural mortality.

Professional wildlife managers are charged with the responsibility of managing wildlife populations in an ecologically sound and socially acceptable manner. Hunting, when based on biological information and properly regulated, Hunting can be used effectively to satisfy this responsibility. In addition, hunting, through licenses and taxes, provides the major source of financing for habitat acquisition, law enforcement, research, and management programs for wildlife, both game and nongame species.

The policy of The Wildlife Society, in regard to hunting, is to:

1. Assist decision makers so that judgements on hunting and the welfare of wildlife are guided by both biological and societal considerations.
2. Endorse the principle that hunting, when properly regulated, is a biologically sound means of managing wildlife populations.
3. Encourage expansion of programs for hunters to increase their knowledge of wildlife ecology and management and to emphasize hunter ethics and responsibilities.



**Central Mountains and Plains Section of The Wildlife Society
Position Statement on the Petition to List Black-tailed Prairie Dogs as a Federal
Threatened Species**

The Central Mountains and Plains Section (CMPS) of The Wildlife Society supports the contention that black-tailed prairie dogs have experienced a range-wide population decline approaching 99% and suffered habitat reductions ranging from an estimated 100-250 million acres to the current estimate of 700,000-800,000 acres. Declines occurred primarily from direct habitat loss as a result of conversion of native prairies to agricultural cropland; poisoning, sylvatic plague, and recreational shooting in some areas. Most of the actual loss of habitat occurred well over 2 decades ago, but some annual losses still take place; and poisoning, recreational shooting, and the effects of sylvatic plague continue to annually reduce the remaining acreage of black-tailed prairie dogs (Schenbeck 1986, Sharps 1988, Tschetter 1988, Hanson 1988, U.S. Fish and Wildlife Service 1991, Knowles 1998). Reductions in total acreage, size of individual colonies, and the number of colonies in remaining complexes serves to fragment prairie dog habitat. Habitat fragmentation increases the probability of extirpation of local colonies, and could eventually put the survival of the species at risk.

The black-tailed prairie dog is a key component of healthy shortgrass and shrub steppe prairie ecosystems. Black-tailed prairie dog colonies provide habitat for a wide variety of predators (swift fox, ferruginous hawk, badger, golden eagle, prairie falcon, long-tailed weasel, coyote) and many species which utilize the burrows or short grass habitat created by the black-tailed prairie dog (mountain plover, burrowing owl, prairie rattlesnake, and many other reptile, amphibian, and insect species). The endangered black-footed ferret is an obligate of prairie dog towns for both food and shelter.

Long-term survival of the black-footed ferret is dependent upon preservation of healthy prairie dog populations, including both white-tailed and black-tailed prairie dogs. In addition, habitat for the mountain plover and burrowing owl, and future management of these species, possibly including the need for federal listing, is at least somewhat tied to the preservation of the habitat provided by black-tailed prairie dog complexes.

Because black-tailed prairie dogs closely crop vegetation within their colonies, the majority of the farming and ranching community has the perception that black-tailed prairie dogs are significant forage competitors with domestic livestock. Available scientific data indicate competition between black-tailed prairie dogs and livestock is less than commonly believed. Although more closely cropped, vegetation in black-tailed prairie dog towns is substantially more nutritious than adjacent rangeland. Vegetation responds to the effects of soil churning by prairie dogs, and cattle as well as wildlife benefit from increased plant diversity and nutrition created by this process (Coppock et al. 1983a, Coppock et al. 1983b, Krueger 1986, Whicker and Detling 1988).

State wildlife agencies have, in the past, deferred to state statutes or regulations which legally classify the prairie dog as a "pest". The black-tailed prairie dog is a native wildlife species and we strongly believe they should be managed as such by state wildlife management agencies.

According to the National Wildlife Federation's recent listing petition, approximately 25% of existing, occupied black-tailed prairie dog habitats occur within the boundaries of Native American reservations. We believe effected tribes should be included in the development of any management strategies for black-tailed prairie dogs.

Recommendations:

1. We believe state wildlife agencies are in the best position to take the lead in changing the status of, and attitude toward, black-tailed prairie dogs; both within individual state governments, and with persons who shoot prairie dogs for recreation. We strongly encourage state wildlife agencies to institute management programs which recognize the prairie dog as a wildlife species and eliminate the need for listing or control as a pest by other agencies such as state Departments of Agriculture. Black-tailed prairie dogs should be managed as a legitimate component of the prairie ecosystem with acreage, distribution, and annual harvest objectives. Recreational shooting should be controlled by season and bag limit. Tribal wildlife agencies should be encouraged to institute management programs for prairie dogs on tribal trust and allotted lands containing black-tailed prairie dog habitat. Funding should be provided for these agencies to conduct black-tailed prairie dog surveys and to develop management plans and monitoring programs.

2. We do not believe federal intervention under the Endangered Species Act (ESA) is in the best interest of the black-tailed prairie dog. Black-tailed prairie dogs are widely distributed (Whicker and Detling 1988, Knowles 1995, Mulhern and Knowles 1995) and the current population is viable if decimating factors are controlled. Although populations are currently depressed and losses continue, the species reproduces at a rate which enables it to reoccupy available habitat if protected after poisoning (T. Byer personal communication) or reduction by recreational shooting (Vosburg 1996, T. Byer personal communication). Recreational shooters, farmers, and ranchers from states within the black-tail's historic range are expected to mount strong opposition to listing. This resistance is likely to foster a lack of cooperation in any recovery program forced by provisions of the ESA. We believe private landowners are much more likely to respond favorably to a state-sponsored management planning process than to federal ESA listing.

3. We do not support the approach suggested in the National Wildlife Federation's petition to use black-tailed prairie dogs as a means to bring about changes in management of the prairies of the Great Plains states. While CMPS supports the goal of managing grassland ecosystems to conserve all native species, it does not believe listing black-tails is the proper means to that end. The black-tailed prairie dog issue

should stand alone, and other means should be used to achieve protection of grassland ecosystems.

4. We recommend federal efforts be directed toward providing administrative assistance and funding to help states in forming a Conservation Team to develop a range-wide management planning process and a Conservation Strategy for the black-tailed prairie dog. We view the situation as similar to that of the swift fox when that species was proposed for ESA listing in 1995. At that time, there was a lack of data on the distribution and population trend for swift fox, and management programs were not in place. A Conservation Team comprised of state wildlife agency biologists has since effectively addressed concerns for the swift fox by devoting resources to inventory, research, and development of a range-wide Conservation Strategy for this species. We recommend a similar Conservation Strategy approach be pursued for the black-tailed prairie dog. This approach should encourage tribal wildlife agency participation since many Native American reservations with the black-tail's historic range have some of the least human-altered grasslands. Also, given the checkerboard nature of land ownership within reservation boundaries, it is imperative that tribal and state wildlife agencies work cooperatively to develop a management strategy that incorporates the objectives and needs of both parties for all lands within these boundaries. The Conservation Strategy process will allow much more flexibility in development of management planning, and will do more to insure the long-term viability of black-tailed prairie dog populations than will ESA listing. The Conservation Strategy should include development of methods to monitor populations and trend.
5. We recommend the National Wildlife Federation and other non-government organizations support a Conservation Strategy process in an oversight role. Both non-government organizations and the U.S. Fish and Wildlife Service can help to develop sources of funding for private landowner incentive programs to protect important habitats (i.e., conservation easements). National Grasslands should be encouraged to join in the Conservation Strategy by developing management plans consistent with state objectives. This may include control of recreational shooting as per state objectives, and limited use of poisoning to maintain acreage and density objectives.
6. We recommend the federal government coordinate prairie dog control programs on public lands with the Conservation Strategy Team and state and tribal wildlife agencies to meet Conservation Strategy objectives for acreage, density, and distribution.

Literature Cited

- Byer, T. 1998. Personal Communication. Thunder Basin National Grassland, Douglas, Wyoming.
- Coppock, D. L., J. K. Detling, J. E. Ellis, and M. I. Dyer. 1983a. Plant herbivore interactions in a North American mixed grass prairie: I. Effects of black-tailed prairie dogs on intraseasonal above ground plant biomass and nutrient dynamics and plant species diversity. *Oecologia*. 56:1-9.
- _____. 1983b. Plant herbivore interactions in a North American mixed grass prairie: II. Responses of bison to modification of vegetation by prairie dogs. *Oecologia*. 56:10-15.
- Hanson, R. 1988. A chronology of prairie dog control operations and related developments in South Dakota. *Great Plains Wildlife Damage Control Workshop Proceedings*. 8:121-122.
- Knowles, C. J. 1988. Status of the black-tailed prairie dog. Report to the U. S. Fish and Wildlife Service.
- _____. 1995. A summary of black-tailed prairie dog abundance and distribution on the central and northern Great Plains. Report to the Defenders of Wildlife.
- Krueger, K. 1986. Feeding relationships among bison, pronghorn, and prairie dogs: an experimental analysis. *Ecology*. 67:760-770.
- Mulhern, D. W., and C. J. Knowles. 1995. Black-tailed prairie dog status and future conservation planning. *Conservation of Biodiversity on Native Rangelands Symposium Proceedings*.
- Schenbeck, G. L. 1986. Black-tailed prairie dog management on the northern Great Plains: new challenges and opportunities. *Great Plains Wildlife Damage Control Workshop Proceedings*. 7:28-33.
- Sharps, J. C. 1988. Politics, prairie dogs, and the sportsmen. *Great Plains Wildlife Damage Control Workshop Proceedings*. 8:117-118.
- Tschetter, B. J. 1988. Estimates of South Dakota prairie dog acreages. Report Number 88.01. South Dakota Department of Game, Fish, and Parks, Pierre.
- United States Fish and Wildlife Service. 1991. Utah prairie dog recovery plan. Denver, Colorado. 41pp.
- Whicker, A. K., and J. K. Detling. 1988. Ecological consequences of prairie dog disturbances. *Bioscience*. 38:778-785.
- Vosburg, T. C. 1996. Impacts of recreational shooting on prairie dog colonies. Master's Thesis, Montana State University, Bozeman. 50pp.



A Project of Defenders of Wildlife

2/16/00

Kansas House Committee on Agriculture
State Capital Building
300 SW 10th Ave.,
Topeka, KS 66612-1509

Dear Mr. Johnson and Members of the Kansas House Committee on Agriculture:

GREEN (GrassRoots Environmental Effectiveness Network) is a national group focused on the preservation of wildlife and wildlands. Although I am not based in Kansas, I've spent the last two weeks talking with the citizens of Kansas concerning prairie dogs and HB 2866.

With two exceptions, they all supported HB 2866. Those two exceptions had heartfelt concerns about the effects of prairie dogs on their land. Primarily, their worries were in regard to how the holes left by prairie dog communities might harm their livestock. One of these landowners had even gone to the point of becoming trained in the application of poison, but had not yet spread poison on their own land. Despite his great desire to be rid of the prairie dogs, he had concerns about the poison and its safety for his health and the health of his family and animals. The irony is that despite not wanting to use the poison himself, he still supported the existing laws that force the use of poison or similar tactics by his neighbors. Is that fair or right?

Of course, some landowners wouldn't hesitate to use poison to kill prairie dogs on their land. It is also true that even after using poison, some prairie dogs may migrate back to their land from a neighbor's land who wasn't taking such measures. But what if his neighbor wanted prairie dogs and had them on a thousand acres, which tended to spread onto ten acres of his land each year? Does the current law, which would force poisoning of a thousand acres make sense, when the real problem exists only with the ten acres of undesired prairie dogs? Nebraska didn't think so, as they got rid of laws similar to Kansas Statutes 80-1201 through 80-1208 in 1995.

Yes, there are "larger" issues at stake here. The US Fish and Wildlife service recently ruled that the black-tailed prairie dog was "warranted for" but "precluded from" listing under the Endangered Species Act (ESA). Further, arguably the states have the responsibility to protect their wildlife for its own sake, not just to avoid listings under the ESA. But doesn't it just come down to the fact that these old statutes just don't make sense any more? Please support HB 2866.

Sincerely,

Billy Stern
Midwest State Organizer

House Agriculture Committee
February 21, 2000
Attachment 12

Director's Office
P.O. Box 40046
Albuquerque, NM 87196-0046
Voice: (505) 255-5966 • Fax: (505) 255-5953

<http://www.defenders.org/grnhome.html>

Washington Office
1101 Fourteenth Street, NW • Suite 1400
Washington DC 20005
Voice: (202)682-9400 • Fax: (202) 682-1331