

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on January 29, 2003, in Room 423-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Rae Anne Davis, Kansas Department of Commerce and Housing
Cindy McAsey, State Director, Experience Works
Marge Carra, Caney, Kansas, Experience Works participant
William Gill, Field Supervisor, U.S. Fish and Wildlife Service, Manhattan
Ron Klataske, Executive Director, Audubon of Kansas
Mike Beam, Senior Vice President, Kansas Livestock Association
Steve Swaffar, Director, Natural Resources, Kansas Farm Bureau
Mike Hayden, Secretary, Department of Wildlife & Parks
Stephen Aberle, farmer, Sabetha
Judy Moler, General Counsel/Legislative Services Director, Kansas Association of Counties
John Pinegar, Kansas Legislative Policy Group
Senator Stan Clark
Perry & Paula Keller, St. Francis (written only)

Others attending: See attached list

Chairman Johnson called for introduction of committee bill requests.

Rae Anne Davis, Kansas Department of Commerce and Housing, requested introduction of a resolution urging the President and Congress of the United States to consider the removal of trade, financial, and travel restrictions to Cuba. (Attachment 1) Representative Larkin moved to introduce this resolution as a House Concurrent Resolution. Seconded by Representative Thimesch, the motion carried.

Representative Larkin requested introduction of two committee bills. The first would reimpose the anti-vertical integration clause and the second would amend the protest provision of confined swine feeding facilities. Seconded by Representative Feuerborn, the motion carried.

Hearing and action on HCR 5004 - Concurrent Resolution urging the U.S. Department of Labor to award Senior Community Service Employment grants to Experience Works.

Chairman Johnson opened the hearing on **HCR 5004**. Raney Gilliland explained that this resolution is to lend support to Experience Works in their competitive grant application to the U.S. Department of Labor to continue to operate the Senior Community Service Employment Program in Kansas.

Cindy McAsey, State Director, Experience Works, appeared in support of **HCR 5004** explaining that Experience Works has been providing community services and training opportunities for economically disadvantaged persons 55 years of age and older in Kansas for over 30 years. (Attachment 2)

Marge Carra, Caney, Kansas, Experience Works participant, discussed her involvement with Experience Works. She had received assistance with education and employment after the extended illness and death of her husband.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE at 3:30 p.m. on January 29, 2003, in Room 423-S of the Capitol.

Chairman Johnson closed the hearing on **HCR 5004** and opened the floor for discussion. Representative Faber moved to recommend HCR 5004 be adopted. Seconded by Representative Ostmeier, the motion carried.

Hearing on HB 2027 - Control of prairie dogs, moles and gophers.

Chairman Johnson opened the hearing on **HB 2027**. Raney Gilliland explained that this bill addresses the control of prairie dogs, transferring management and control from townships to county commissions. The bill takes note that prairie dogs are a species of management concern requiring both control and protection. If a Board of County Commissioners determines that prairie dogs pose a threat to surrounding lands, they may give notice to the landowner to submit a management and control plan, approved by the county, or the county may undertake control actions and bill the landowner for the costs.

William Gill, Field Supervisor, U.S. Fish and Wildlife Service, Manhattan, provided background information on the Fish and Wildlife Service determination in February 2000 that the black-tailed prairie dog warranted listing as a threatened species under the Endangered Species Act. The prairie dog has been precluded from listing due to higher priority listing activities. He said the Service is working with states, including Kansas, to form partnerships to work with private landowners and land managers to encourage protection of habitat and the establishment of regulatory measures that will reduce or eliminate the threats to the species. (Attachment 3)

Ron Klataske, Executive Director, Audubon of Kansas, expressed qualified support for **HB 2027**. He shares the objective of preventing the listing of the black-tailed prairie dog as a federal threatened species. He opposes the section of the bill making a landowner financially liable if a destructive, injurious or detrimental prairie dog population is found to have become established on surrounding lands due to a landowner's failure or refusal to implement an approved management and control plan. He also proposed changing the word "protection" to "conservation" in the bill. (Attachment 4)

Mike Beam, Senior Vice President, Kansas Livestock Association, testified in support of **HB 2027**. He reported that this bill is the result of a two-year effort among KLA, Kansas Farm Bureau, representatives from Wallace County, and Kansas Department of Wildlife and Parks to identify amendments to state statutes to authorize local governments to conduct prairie dog control programs while allowing a landowner, in certain situations, to maintain a population of prairie dogs if so desired. (Attachment 5)

Steve Swaffar, Director, Natural Resources, Kansas Farm Bureau, and member of the Kansas Prairie Dog Working Group, testified in support of **HB 2027**. As an alternative to placing species on threatened or endangered lists, KFB supports developing conservation management plans that will increase or maintain the population and make listing unnecessary. (Attachment 6)

Mike Hayden, Secretary, Department of Wildlife & Parks, appeared in support of **HB 2027** with the ultimate goal of preventing the black-tailed prairie dog from reaching threatened or endangered status under federal law. The Department has worked with other states to develop a regional conservation plan for the prairie dog within its historic range, held workshops in western Kansas to discuss development of a conservation plan for Kansas, and created a working group to develop the *Kansas Black-Tailed Prairie Dog Conservation & Management Plan*. **HB 2027** incorporates several of the ideas of this working group. He emphasized that nothing in the bill would preclude a landowner from voluntarily managing and controlling prairie dogs on his own land. (Attachment 7)

Stephen Aberle, a farmer from Sabetha, testified in support of **HB 2027** to keep the prairie dog off the threatened species list. He expressed concern about the influence of environmental groups on wildlife, land and natural resources conservation. (Attachment 8)

Judy Moler, General Counsel/Legislative Services Director, Kansas Association of Counties, appeared in support of **HB 2027**. In particular, the KAC supports the portion of the bill giving the county commission the authorization to manage and control prairie dogs when the landowner fails to do so. (Attachment 9)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE at 3:30 p.m. on January 29, 2003, in Room 423-S of the Capitol.

John Pinegar, on behalf of Fred Flax, President, Kansas Legislative Policy Group, testified in support of **HB 2027**. KLPG particularly supports shifting the responsibility for prairie dog control from Township Boards to the Boards of County Commissioners. They feel this will insure that a countywide perspective is given to the implementation of a management and control plan. (Attachment 10)

Senator Stan Clark appeared in opposition to **HB 2027**. He believes this bill is part of a concerted effort at both the national and state level to manage and control private property. He provided a copy of the *Kansas Black-Tailed Prairie Dog Conservation & Management Plan*, as well as several articles on prairie dogs and other conservation issues. (Attachment 11)

Perry & Paula Keller, St. Francis, submitted written testimony in opposition to **HB 2027**. They feel strongly that implementation of this bill will take away landowners' rights. Several articles in regard to prairie dogs were included with their testimony. (Attachment 12)

It was noted that **HB 2027** would have a negligible fiscal effect.

The hearing on **HB 2027** was closed.

The meeting adjourned at 5:50 p.m. The next meeting is scheduled for February 3, 2003.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: January 29, 2003

NAME	REPRESENTING
Ray Hammond	KDACH
Rae Anne Davis	KIDUCH
Don Prosson	Experience Works
Cindy McAsey	Experience Works.
Margaret Carter	EXPERIENCE WORK.
William Gill	U.S. Fish + Wildlife Service
Twila Drybread	DOB
Mike Hayden	KDWP
Julie Moler	KAC
Mike Beam	Ks. Livestock Assn.
Chris Tymeson	KDWP
Steve Swaffar	Ks Farm Bureau
Janet McPherson	" " "
Darryl Solder	Intern Rep Schwartz
Dale Lambly	Ks. Dept. of Ag
Rebecca Leal	Ks Dept. of Agriculture
Edd Johnson	KLA
Brian Shepard	Intern for Rep. Miller
Stephen Abente	guest of Dan Johnson

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: January 29, 2003

NAME	REPRESENTING
Justin Holstis	Propane Marketers Assn of KS
Jeffrey Black	Speaker Pro Tem
Ben Hopper	KS Dairy Assoc.
Stan Clark	Senate -
Don Klatsos	Audubon of Kansas
John Pinegar	Kansas Legislative Policy Group

**Kansas Department of Commerce & Housing
Proposed Concurrent Resolution**

A CONCURRENT RESOLUTION urging the President and Congress of the United States to consider the removal of trade, financial, and travel restrictions to Cuba.

WHEREAS, The relationship between the United States and Cuba has long been marked by tension and confrontation; and

WHEREAS, Further heightening this hostility is the 40-year-old United States trade embargo against the island nation, which remains the longest-standing embargo in modern history; and

WHEREAS, Cuba imports nearly a billion dollars' worth of food every year, including wheat, corn, flour, and meat products; and

WHEREAS, Import amounts are expected to grow significantly in coming years as Cuba slowly recovers from the severe economic recession it has endured following the withdrawal of subsidies from the former Soviet Union in the last decade; and

WHEREAS, Kansas ranks #1 in flour and wheat production, and this state is a leader in the overall value of agricultural exports at more than \$2.5 billion annually; and

WHEREAS, Kansas' agricultural production values are more than \$6 billion annually; and

WHEREAS, Kansas is, therefore, ideally positioned to benefit from the market opportunities that free trade with Cuba would provide; and

WHEREAS, Rather than depriving Cuba of agricultural products, the United States embargo succeeds only in driving sales to competitors in other countries that have no such restrictions; and

WHEREAS, the United States' trade, financial, and travel restrictions against Cuba hinder Kansas' exports of agricultural and food products, and the right of Kansans to travel freely; now therefore, be it

Resolved, That the Legislature of the State of Kansas hereby respectfully urges the President and Congress of the United States to remove trade, financial, and travel restrictions relating to Cuba.

Resolved, That the Kansas Secretary of State forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and to the president of the senate of the United States Congress, and to all the members of the Kansas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

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House Agriculture Committee
January 29, 2003
Attachment 1

**Experience Works, Inc.
Senior Community Service Employment Program**

Project Summary

Experience Works, Inc., formerly Green Thumb, Inc., provides essential community services and training opportunities for economically disadvantaged persons 55 years of age and older under the Senior Community Service Employment Program (SCSEP). The project will be funded through a grant with U.S. Department of Labor.

Experience Works, Inc. is a national, non-profit organization whose mission is **To Put Experience to Work**. By putting the experience of older individuals and others to work, Experience Works will strengthen families, communities, and our nation. We will promote human dignity and independence while enabling businesses to be more competitive. And we will have a positive impact on the world economy and social fabric as we help to address the challenges and opportunities of an aging population. Best known as the founder and largest provider of employment and training services for seniors, Experience Works was founded in 1965, in response to President Lyndon Johnson's War on Poverty. Initially, 280 retired farmers in four states were hired to improve the nation's parks and highways as part of Lady Bird Johnson's Beautification of America initiative. Over the years, the initial concept of Experience Works caught on and expanded to become the Senior Community Service Employment Program (SCSEP) administered by the U.S. Department of Labor. Through the SCSEP, Experience Works provides low-income individuals age 55 and older with community service training and employment across the country. At the same time, local community and faith-based

organizations benefit from essential services performed by program participants ranging from child and elder care to emergency assistance, crime prevention, health care, and disaster relief.

Experience Works' national leadership in the employment and training of mature adults has expanded far beyond its role in founding and operating the SCSEP. Last year, the organization empowered over 29,000 older Americans to remain productive and independent by providing them with training, re-training and employment opportunities in a wide variety of public service and private sector jobs in forty-four states and Puerto Rico. This was accomplished through the highly effective operation of the SCSEP.

Experience Works' strategy focuses on:

- An integrated, individualized approach tailored to meet the needs of each participant
- Building self-esteem and employability through work, enhanced by education, training and supportive services, including mentoring, counseling, and transportation, among others.
- Achieving involvement of the business community.

To ensure success, each participant's progress is closely monitored and reviewed, and good habits and progress toward goals are continuously reinforced. Involvement of the business community is also critical to the success of all employment-based initiatives. Experience Works, works closely with local employers by developing employment networks to provide job and training opportunities and to develop and deliver effective training curriculum.

Kansas Fast Facts

Experience Works, formerly Green Thumb, Inc., has operated the Senior Community Service Employment Program in Kansas since 1972. For over 30 years, Experience Works has provided quality, customer-focused services to hundreds of low-income seniors who are 55 or older.

Job ready seniors are placed directly into full-time or part-time private sector employment after receiving counseling designed to help them better understand their local job market, stay on the job longer, and deal effectively with today's workforce culture.

Others receive essential skills training and/or community service employment training through assignment to non-profit organizations, public agencies, and faith based organizations. These individuals work an average of 20 hours per week and are paid minimum wage. Each helps provide valuable community services in their local communities while receiving training and supplementing their income.

Program Year 2001-2002 At a Glance

- Provided workforce services in 94 counties in Kansas.
- Provided SCSEP services to 514 Kansas seniors.
- Over 350 public and non-profit agencies, community-based, and faith based organizations served as host agencies and training sites in Kansas, benefiting for more than 378,560 hours of work experience!
- Achieved a 31.87% job placement rate, over the 20% goal set by the Department of Labor.
- Economic impact of Experience Works in Kansas \$1,949,584.
- 59% of those served were below the Poverty Level, 55% were Female, 19% were Minorities, 10% were Veterans and 15% were disabled.

DATE: January 29, 2003

PRESENTED TO THE STATE OF KANSAS HOUSE AGRICULTURE COMMITTEE

PREPARED BY: William H. Gill, Field Supervisor, U.S. Fish and Wildlife Service
Manhattan, KS

PURPOSE: What is the current status of the listing activity for the black-tailed prairie dog?

BACKGROUND:

- In 1998, the National Wildlife Federation and Predator Conservation Alliance, Biodiversity Legal Foundation and Jon Sharps, filed two petitions to list the black-tailed prairie dog as a threatened species under the Endangered Species Act.
- In February of 2000 the Fish and Wildlife Service (Service) determined that the black-tailed prairie dog warranted listing under the ESA. However, listing is precluded at this time due to other higher priority listing activities.
- Threats identified by the Service include: 1) Habitat loss which has contributed to population declines over the range; 2) Over-utilization for recreational purposes-unregulated shooting; 3) Disease- sylvatic plague; 4) Inadequacy of existing regulatory mechanisms to address shooting and poisoning; 5) Other natural or man-made factors-unregulated control of poisoning, and pest status.
- In an attempt to avoid a listing of this species, the 11 states which comprise the historic range of the black-tailed prairie dog formed the Multi-State Black-tailed Prairie Dog Conservation Team and have agreed to work together to bring about effective, long-term management of the species. These States include Arizona, Colorado, Kansas, Montana, Nebraska, North Dakota, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.
- The Black-tailed Prairie Dog Conservation Team has developed a draft Multi-State Conservation Plan For The Black-tailed Prairie Dog dated March 15, 2002.
- Most of the states have completed State Management Plans or are developing such plans. Conducting monitoring surveys every three years is a part of all the completed plans as well as those that are proposed. Kansas completed its plan in 2002.

WHAT NOW?

The Service is currently in the process of conducting its annual status review to determine if there has been a change in the status of the black-tailed prairie dog. In two previous reviews (2001&2002), the Service has determined that the species still warrants listing; however, it is still precluded from listing due to higher priority listing activities.

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The Service will be working with the states including Kansas to form partnerships to work with private landowners and land managers to encourage protection of habitat and the establishment of regulatory measures that will reduce or eliminate the threats to the species.

CONTACT: William H. Gill, Field Supervisor
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January 29, 2003

**Statement of Ron Klataske
Executive Director, Audubon of Kansas
to the Kansas House of Representatives
Committee on Agriculture
Regarding House Bill 2027**

Mr. Chairman and members of the Committee. On behalf of the 7,000 members of Audubon of Kansas and twelve local Audubon Societies in Kansas, I greatly appreciate the opportunity to share our qualified support for House Bill 2027, and our serious concerns about some elements of the bill. We appreciate the work that members of this committee and members of the Committee on Environment have devoted to this subject during the past three years.

We all share the objective of preventing the listing of the Black-tailed Prairie Dog as a federal threatened species. Repealing or modifying the antiquated statutes enacted a hundred years ago is part of an appropriate state strategy.

Unfortunately there is one major provision of the bill that we cannot support, and request that it be deleted. It erodes property rights in a way that eclipses the progressive elements of the bill designed to soften the 1903 eradication provisions. If it is allowed to stand it would potentially make a landowner who has a prairie dog colony on his/her land financially liable for prairie dogs that may occur anywhere else in the neighborhood. This may be viewed as much more draconian than simply requiring landowners to "eradicate" prairie dogs on their own land. Taken to its extreme, a landowner with a colony could be accused of "repopulating" an entire township or county and be faced with the prospect of an unpredictable financial obligation.

An obligation may be justifiable in an area where prairie dogs have been totally eradicated, but how could this be applied to an area of the state where remnant colonies are scattered throughout the landscape. The county would have to have baseline population data and annual monitoring to determine with any degree of certainty wherever and whenever a new (or enlarged) colony is reported. What if a neighbor accommodates a small "satellite" colony for a few years and then has a change of mind and files a complaint. Is the landowner who has a larger documented colony responsible for the cost of control, and if a horse breaks its leg from an unrelated and undetected cause, is he/she going to be financially liable.

This bill would make prairie dogs the obligation of landowners far beyond the boundaries of their property. This is a slippery slope. Will a landowner who "harbors" deer be responsible for damage to a neighbor's soybeans or a passing motorist? What about landowners who allow an array of other native wildlife, such as beavers that move to an adjacent pond and breach it with their burrows, or coyotes that kill prized poultry? Will we take the same approach with noxious weeds and invoice a ranch landowner or the Kansas Department of Transportation for control of *Sericea Lespedeza* on surrounding land if it is suggested that their property was first to be infested.

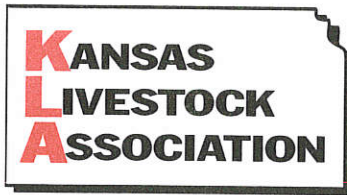
Faced with the prospect outlined above, landowners who now tolerate or manage prairie dogs on their land would be more inclined to eradicate this native species from their land. Thus, inclusion of this provision in the bill will undermine the objectives of the committee. The Kansas Prairie Dog Conservation Workgroup discussed the merits of a provision of this nature two years ago and soundly rejected it.

There are other provisions in this bill that can also be improved and made more reasonable

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from the standpoint of landowners. For example, as the Workgroup discussed on various occasions, it is not practical to require management or control within 30 days. At certain times of the year, some measures are not biologically effective for control, and certainly not cost effective.

We also request that you review H.R. 2470 introduced in the last legislative session and incorporate some of the provisions that make the language much more progressive and convincing that the State of Kansas is truly interested in preventing the species from become threatened in fact, and in law.



Since 1894

To: The House Agriculture Committee
Rep. Dan Johnson, Chairperson

From: Mike Beam, Senior Vice President

Date: January 29, 2003

Subj: **House Bill 2027** - Control of prairie dogs, moles, and gophers

The Kansas Livestock Association is a proponent of this bill. HB 2027 is a result of a two-year effort among various stakeholders to identify amendments to the state statutes that maintain authorities of local governments to conduct prairie dog control programs while allowing a landowner, in certain situations, to maintain a population of prairie dogs if so desired.

We believe HB 2027 has several key provisions:

- Changes local authority to control prairie dogs from townships to county governments. (Section 2)
- Strikes words like "destroy", "infested", and "exterminate" and replaces them with terminology such as "manage" and "control". (Sections 2 & 3)
- Declares prairie dogs a species of management concern and makes note the species has a value to some, while being a nuisance to others. (Subsection a of Section 3)
- Provides authority to counties to determine that a prairie dog town is a threat to surrounding lands and to give notice to landowners to either: (1) submit a management and control plan, that is eventually approved by the county, or (2) permit the county to undertake prairie dog management and control actions and bill the landowner for such costs. (Subsection b of Section 3)
- Modifies existing statutes outlining procedures for a local official to enter a person's property and to take action to control prairie dogs. (Subsection c of Section 3)

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- Modifies existing statutes authorizing counties to collect costs of controlling prairie dogs from landowners. (Subsection d of Section 3)
- Provides authority to county officials to take action if a landowner is not meeting his/her obligations under the approved management and control plan, including an assessment of costs for controlling prairie dogs on surrounding lands. (Subsection e of Section 3)

Background

In July of 1998, The National Wildlife Federation filed a petition to list the black-tailed prairie dog as a threatened species under the federal Endangered Species Act. Later, the Predator Conservation Alliance, Biodiversity Legal Foundation, and a private individual filed a supplementary petition.

On February 2, 2000, the U.S. Fish and Wildlife Service (USFWS) announced its response to the petitions. The USFWS stated in its news release ... *"After an extensive biological review, the U.S. Fish and Wildlife Service has determined that the black-tailed prairie dog warrants listing under the Endangered Species Act. However, because there are other species also awaiting listing that are in greater need of protection, the Service is not proposing to list the species at this time."* USFWS cited a significant decline in habitat and state laws authorizing mandatory control of the species as key factors in their concern about the future of the prairie dog.

KDWP Forms Work Group

On March 1, 2000, KLA was invited by the Kansas Department of Wildlife and Parks (KDWP) to submit a nomination for their Prairie Dog Work Group. The purpose of the Work Group was to involve most stakeholders in developing a management plan to conserve the species and divert a listing by USFWS. (Mark Smith, a rancher from Wallace County, eventually was appointed to this group to represent KLA.) One of the first tasks of the Work Group was to appoint a subcommittee to consider a recommendation to address the Kansas statutes (KSA 80-1201 to 80-1208) identified as a concern by the USFWS.

Prior to the formation of the work group, legislation (HB 2866) was introduced to simply repeal the state laws regarding local prairie dog control programs. On February 21, 2000, the Kansas House Agriculture Committee held a hearing on HB 2866 and promptly killed the bill.

One of the first recommendations by the work group's subcommittee was to not seek legislation that repealed the Kansas prairie dog laws. Instead, the group determined it was best to look at other states' laws and to craft amendments that

would give local ranchers authority to control prairie dogs, while preserving the right of landowners to harbor the species if it were their preference.

Developing such a bill has not been an easy task. The subcommittee was not in agreement on specific language and concluded on November 8, 2000, that it would be best to not push for legislation during the 2001 Kansas Legislative Session. Last year, after several public meetings and discussions by many individuals on the Work Group, it was determined we were not ready to forward a legislative proposal to the Kansas Legislature for 2002.

HB 2027 - 2003 Legislation

Last fall, KLA, Kansas Farm Bureau, representatives from Wallace County, and KDWP continued discussions about a bill to address the concern identified by the original petitioners and USFWS. The result of these discussion is a compromise that I believe addresses most concerns by landowners, local governments, KDWP, and conservation groups that want some assurances the black-tailed prairie dog, and the associated short grass prairie ecosystem, is not in serious jeopardy.

We urge this committee to act favorably on the bill. I'd be happy to respond to any questions or comments. Thank you.



Kansas Farm Bureau

2627 KFB Plaza, Manhattan, Kansas 66503-8155 • 785.587.6000 • Fax 785.587.6914 • www.kfb.org

PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON AGRICULTURE

RE: HB 2027 – and act relating to prairie dog control.

January 29, 2003
Topeka, Kansas

Presented by:
Steve M. Swaffar, Director
Natural Resources

Chairman Johnson and members of the committee, thank you for this opportunity provide comments on House Bill 2027 addressing the control of prairie dogs. I am Steve Swaffar, Director of Natural Resources for the Kansas Farm Bureau. Kansas Farm Bureau is a grassroots organization that develops policy through the input of our 105 county organizations and the more than 41,000 farmer and rancher members across the State.

Kansas Farm Bureau offers the following comments regarding HB 2027. The black-tailed prairie dog is a species that has caused considerable concern and damage to ranches in the western 2/3 of the state for last 150 years. Ranchers have spent thousands of dollars and many hours trying to prevent prairie dogs from damaging valuable livestock grazing areas. Yet the efforts to control populations of the black-tailed prairie dog and other factors have caused the U.S. Fish & Wildlife Service (USFWS) to consider listing the black-tailed prairie dog as a threatened species under the Endangered Species Act. Clearly, listing the black-tailed prairie dog will reduce the ability of ranchers to control prairie dogs and could be detrimental to ranchers who still need to control the animals to preserve the quality of their grazing lands.

Kansas Farm Bureau members through their policy development process have created the following language addressing threatened and endangered species:

As an alternative to placing species on threatened or endangered lists, we support developing conservation management plans that will increase or maintain the population and make listing unnecessary. Conservation management plans should be the result of cooperative efforts by landowners, agricultural producers, wildlife managers, conservation technicians, and the appropriate state and federal agencies. Any conservation management plans should be voluntary and provide incentives to private landowners for protecting or enhancing habitat for species needing protection.



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Additionally, the American Farm Bureau Federation also has developed policy that is germane to this legislation:

We believe threatened and endangered species protection can be more effectively achieved by providing incentives to private landowners and public land users rather than imposing land use restrictions and penalties. Conservation agreements should be considered in lieu of listings provided they are consistent with Habitat Conservation Plans (HCP). Habitat Conservation Plans should be voluntary incentive-based programs. Private property must not be included in an HCP without the written permission of the private landowners.

In accordance with our policy, Kansas Farm Bureau has participated over the last two years in the Kansas Prairie Dog Working Group, formed by the Kansas Department of Wildlife and Parks. This group worked to create the Kansas Black-tailed Prairie Dog Conservation and Management Plan. Multiple stakeholders in this group helped identify potential threats to the species and conservation efforts that could preserve it in hopes of creating a plan that will prevent the listing of the prairie dog. One of the recommendations of the group is to amend Kansas law K.S.A. 80-304. Amending the law will demonstrate to USFWS that Kansas is interested in preserving and conserving prairie dog populations. By replacing the word "destroy" with "manage and control" and adding the ability for landowners to work with counties to maintain prairie dogs, should they chose to do so, we believe HB 2027 demonstrates Kansas' commitment to conservation of the species to USFWS. Equally important to members of our organization, HB 2027 maintains the ability for landowners to continue to prevent prairie dogs from damaging their property. Clearly, other steps may need to be taken in the future to prevent the black-tailed prairie dog from becoming a listed species. However, we believe amending the law as HB 2027 proposes is a good first step. Thank you for the opportunity to provide these comments.



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
1020 S Kansas Ave., Room 200
Topeka, KS 66612-1327
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HOUSE BILL NO. 2027
Testimony provided to
House Committee on Agriculture
29 January 2003

House Bill No. 2027 would amend certain laws pertaining to black-tailed prairie dogs.

As background for the Committee, in 1998, the U.S. Fish and Wildlife Service (USFWS) received a petition to list the black-tailed prairie dog on the federal threatened and endangered species list. At that time, the department joined other states in opposing this listing. In 2000, the USFWS 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, it is not listed at this time. The species status is evaluated on an annual basis and was last re-evaluated in February 2002. The status remained unchanged at that time.

Since then, the department has taken a number of steps. In addition to working with other states to develop a regional conservation plan for the prairie dog within its historic range, the department also held workshops in western Kansas to discuss development of a conservation plan for Kansas. A working group was created with representation from conservation organizations, agricultural interests and individual landowners and the Kansas Black-Tailed Prairie Dog Conservation and Management Plan was developed from this working group.

House Bill No. 2027 incorporates several of the ideas of the working group. First, the bill replaces certain terms such as extermination and destroy with manage and control. More important, the bill describes prairie dogs as a species of management concern, requiring at times both protection and control. If an unmanaged or uncontrolled prairie dog population is determined to be destructive, injurious or detrimental to neighboring lands, upon notice, the landowner would be required to enter into a management and control plan with the department or permit the county to undertake management and control measures on the landowner's property and reimburse the county for costs accrued. And most notably, nothing in the bill would preclude a landowner from voluntarily managing or controlling prairie dogs upon their own land.

The department strongly supports House Bill 2027, along with several partners in this endeavor with the ultimate goal in mind of preventing the black-tailed prairie dog from reaching threatened or endangered status under federal law.

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Attachment 7

I would like to thank Mr. Johnson for asking me to appear before this committee and thank the committee for giving me of your time to express my concerns.

As a Kansas farmer, I am concerned about so many environmental groups telling us what we cannot do.

And yes, we need environmentalists. I am an environmentalist myself. For example, I have personally built over ten miles of terraces the past twenty years with my tractor and blade and plow. Maintaining and rebuilding terraces and waterways is a constant job and expense, which I consider necessary, and a part of being a good steward of the land.

However, I am concerned about so many of our natural resources being declared off limits. The coal fields of Utah, some of the cleanest coal in the world, locked away. The oil in Alaska, only a very small part of it is allowed to be used, our forests in the Northwest, are set aside for a few owls, while the citizens of that area are jobless and broke.

When will Kansas be hit with similar absurdities? Will the prairie dog, for example, put hundreds of Kansas farmers out of business so that the prairie dogs can have free reign of our fields?

To those who like to see prairie dogs, and want to protect them, I ask: Have you ever dropped a combine or a tractor wheel into a badger hole? How many times have you plugged the sickle on a windrower by mowing through a gopher mound? Often, when I drop a wheel into a hole, I wonder how many more times that can happen before an axle breaks.

If prairie dogs are declared endangered, what will the ESA request? Will they request over 60,000 acres for each prairie dog, like the Fish and Wildlife Service wants for each pygmy owl that they found in Arizona?

Few of us are in favor of causing the extinction of prairie dogs. There are very few species that we would like to see eliminated from the face of the earth. But to those who want to protect them, that is fine, protect them, but not at my expense, not at the expense of Kansas Agriculture.

For those of us who want to protect the livelihood of Kansas farmers, there is a way to do so, although it may be beyond the present scope of this bill. That is by requiring the federal agencies to follow their own rules.

Federal agencies such as the BLM, Fish and Game, Forrest Service, and the ESA, are required to coordinate with local government agencies when drafting their rules. This does not mean writing the rules and then giving a twenty day comment period. It does not mean dropping in and saying, "Hi men, how are things going today?" It means sitting down together and drawing up some plans that are acceptable to the local government.

In Owyhee county, Idaho, during the past ten years, the BLM was going to reduce grazing allotments by 35%. The ESA was considering denying access to streams because of a microscopic snail. Because the county has a NATURAL RESOURCE USE PLAN in place, neither of the above has occurred. The county commissioners have forced the federal agencies to abide by their own rules, and "coordinate" with the local governments, which they have grudgingly done for the past ten years.

Another rule which must be enforced is for the ESA to do an economic impact study, which also must be realistic, neither of which the ESA likes to do.

Perhaps the state legislature should consider recommending, requiring and/or assisting the counties to implement NATURAL RESOURCE USE PLANS, so that we as Kansas farmers and citizens will have a means ready and available to protect the use of our natural resources.

Thank you for your time and attention.

Stephen Aberle

I. FEDERAL LAND POLICY MANAGEMENT ACT

A. Statutory Coordination Requirements

43 USC S1701 Congressional declaration of policy

(a) the Congress declares that it is the policy of the United States that-

(8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use;

(12) the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U. S. C. S 21a) as it pertains to public lands; and

(13) the Federal Government should, on a basis equitable to both the Federal and local taxpayer, provide for payments to compensate States and local governments for burdens created as a result of the immunity of Federal lands from State and local taxation.

43 USC S1712. Land Use Plans

(c) Criteria for development and revision

In the development and revision of land use plans, the secretary shall -

(9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans ... Land use plans of the secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

B. Bureau of Land Management CFR Coordination Regulations

43 CFR S1601.0-8 Principles.

The development, approval, maintenance, amendment and revision of resource management plans will provide for public involvement and shall be consistent with the principles

described in section 202 of the Federal Land Policy and Management Act of 1976. Additionally, the impact on local economies and used of adjacent or nearby non-federal lands and on non-public land surface over federally-owned mineral interests shall be considered.

43 CFR S1610.3 Coordination with other Federal agencies, State and local governments, and Indian tribes.

43 CFR S1610.3-1

(a) ... the following coordination is to be accomplished with other Federal agencies, State and local governments... assure that consideration is given to those plans that are germane to the development of resource management plans... provide for meaningful public involvement of ... State and local government officials, ...in the development of resource management plans....

III. ENDANGERED SPECIES ACT

A. Statutory Requirements

16 USC S 1533. Determination of endangered species and threatened species

(b) Basis for determination

(1) (A) The Secretary shall make determinations required by subsection (a) (1) of this section solely of the basis of the best scientific and commercial data available to him....

16 USC S 1533. Determination of endangered species and threatened species

(2) the secretary shall designate critical habitat, and make revisions thereto, under subsection (a) (3) of this section on the basis of the best scientific data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat.

50 CFR S 424.16 Proposed rules.

(c) Procedures-(1) Notification.

(ii) Give actual notice of the proposed regulation... to the State agency... and to each county or equivalent jurisdiction...and invite the comment of each such agency and jurisdiction;

The above regulations were taken from a source book supplied by the *South Dakota Stockgrowers Association* at a seminar taught by Mr. Fred Grant Kelly, in cooperation with *Stewards of the Range*.
SD Stockgrowers Assoc. 426 St. Joseph St. Rapid City, SD 57701 605-342-0429
Stewards of the Range 707 E United Heritage CT. STE. 150 Meridian, ID 83642 208-855-0707

Organic milk: Selling big

Monsanto claims milk from cows treated with the hormone rBGH is no different from other milk. A handful of Maine producers say it is, and now there's a fight in the State Attorney General's office.

Even non-organic dairy producers are jumping on the "no hormone" bandwagon and using a Quality Trademark Seal to indicate alternative products.

Monsanto says it's unfair — the growth hormone rBGH is a marketing issue, not a safety issue.

Meanwhile, U.S. farmers quietly bypass the labeling and sell their organic milk to customers who read the product inserts — telling them these cows don't get rBGH.

Organic milk is "a very profitable and visible part of the marketing for [Vermont]," says Deputy Ag Commissioner Tom Hardy. Organic Valley, a huge Wisconsin dairy co-op, buys Vermont milk and sells to mainstream grocery chains which offer a full line of organic dairy products.

The market for organic dairy products is growing at about 10% a year (20% in Wisconsin), with output of \$598 million in 2000. Although figures aren't yet in, University of Idaho expects 2002 sales to top \$1 billion. Organic dairy farmers get 70 to 100 percent more for their milk than conventional dairy farmers.

Australia's water: Can it survive free trade?

CSIRO (Commonwealth Scientific Industrial and Research Organization) is pushing for a free trading system for Australia's most scarce commodity: water.

CSIRO spokesman Professor Mike Young envisions a national water bank with traded shares and public transactions. Under this system water can be traded electronically with licensed brokers, much like the share registry used by



businesses. Shares can be mortgaged and their interests recorded, with a system of formal accounts similar to banking.

[Ranchers] could write water checks and trade over the internet at very low cost," says CSIRO Research Fellow Jim McColl.

But *Hold on Mate*, says the Australian Conservation Foundation, the nation's largest enviro group. All that freedom can't be good for the community! The ACF thinks ranchers will hog all the water and deprive wildlife and municipal systems.

"In our view," says ACF, "an increase of farmers' rights to land and water resources can only come at the expense of the natural environment."

CSIRO hopes to calm ACF fears by stressing advantages: The water system can be controlled as climate, economics and technical circumstances dictate, they say.

But ACF sticks to its mantra: "We oppose any general requirement to compensate farmers for changes in environmental policies."

Eco-terrorists go to college

Animal rights activists have generally been on the fringes, practicing sabotage on ranches, Midwest farms, forests and the high seas.

Now a Fresno State University conference invites students to consider the "practical, political and spiritual aspects of revolutionary environmentalism," as it relates to sabotage.

Invited speakers are convicted felons who served time for ship sabotage, arson and property destruction. "Here is a rogue's gallery of domestic terrorists presenting themselves as literary scholars, with no balance at all

from an opposing viewpoint," says Mark Martosko of the Center for Consumer Freedom.

66,666 acres per owl

That's how much the Fish and wildlife Service wants to "protect" each one of 18 "endangered" pygmy owls they found in Arizona.

The land lockup will restrict power lines, farming, mining and recreation on 1.2 million acres. The National Association of Homebuilders sued to find out where FWS says birds are located. The U.S. Court of appeals ordered FWS to reveal its data, but the agency appealed. NAHB claims this is junk science that will raise the cost of a new home by \$12,000. FWS says it's hiding its habitat data so bird lovers won't trespass on private land.

Conservatives land choice jobs in House, Senate

Two new congressional appointments have environmental groups quaking in their boots.

Sen. James Inhofe (R-Okla.), the new Senate Environment and Public Works Committee head, once called the EPA a "Gestapo bureaucracy." But now that he's chairman he's trying to soften his image, pledging to work in a bipartisan manner.

One thing he won't soften is his demand for "sound science" in environmental legislation. Republicans are not anti-environment, he insists. One of his first priorities: Authorizing Army Corps of Engineers water projects, and cleaning up chemical and oil storage tanks.

Rep. Richard Pombo (R-Calif.) is the new House Chairman for the Committee on Resources, edging out easterner Jim Saxton (R-N.J.) who rates high on enviros' score cards. Pombo champions grassroots action, multiple use of federal lands and common-sense Endangered Species legislation.

Coming soon to a farming neighborhood near you: Hungry, protected wolves

In 1997 we first reported on the Wildlands Project, a scheme to lock up the U.S. in off-limits wildlife corridors, surrounded by highly regulated buffer zones. This project, first envisioned in 1973, at first seemed far-fetched and incredible.

But we've seen one puzzle piece after another making corridor management a reality. This management is now one of the guiding principles in all U.S. federal environmental agencies, and in all major environmental organizations around the globe.

Over the last 13 years, we've noted a repetitive timetable in the march towards corridor management: What happens in the West will happen next in the East, then in the South, and finally in the Midwest.

Find your state on this Wildlands Project map. Wildlife corridors are in red; buffer zones in yellow. Note how corridors follow rivers.

This map only details U.S. corridors. But those corridors are taking shape for both North *and* South America, as well as Australia, where the Wilderness Society boasts: "Already, conservationists have secured permanent protection for over 1.2 million acres in the Cape....The Aussies are using the Wildlands Project's model to develop a system of interconnected wildlands for the entire Australian continent."

We've also been tracking wolf re-introduction plans, put in place to insure federal corridor management. After re-introduction in 1995, there are now 700 Gray Wolves in Montana, Idaho and Wyoming. On the itinerary for wolves in the near future: Colorado, Maine, New York, Oregon and Washington.

The Mexican Wolf Recovery Plan is giving bigtime headaches to New Mexico's ranchers — and one Apache tribe which depends on livestock for food. Lots of healthy pups from the re-introduced wolf pairs are growing up with big appetites. The projected herd of 100 wolves will supposedly eat only 30 head of cattle a year, but according to ranch owners, 16 wolves have already downed 50 calves and several cows since July.

Defenders of Wildlife promised to pay ranchers for those devoured cattle, but quickly bowed out of the process when expensive carcasses began mounting up.

The problem with wolves is that they can run 30 miles a day, and don't know where the wildlife corridor boundaries are. One adult male didn't check his map, and wandered into Utah from Wyoming. One Alaska pack was clocked at 700 miles in 42 days.

A large population of Gray Wolves roams Michigan, Wisconsin and Minnesota. In Michigan's Upper Peninsula, some of the 278 wolves are starting to scout out the southern part of the state. The Timber Wolf Alliance admits, "the amount of wolves compatible with human land use has not been determined."

In 1999 biologists radio-collared a pup in northern Michigan. Two years later a bow hunter mistook him for a coyote and killed him — *in northern Missouri*.

"Biologically, [Gray] wolves are recovered," says Fish and Wildlife wolf coordinator Ed Bangs. But does this mean ranchers can now hunt wolves that kill their livestock? Not if environmental groups and Wildlands Project coordinators have their way. That's because the goal of multi-national environmentalists is to boot cattle out of all federal lands, and make them look like parasites on private lands.

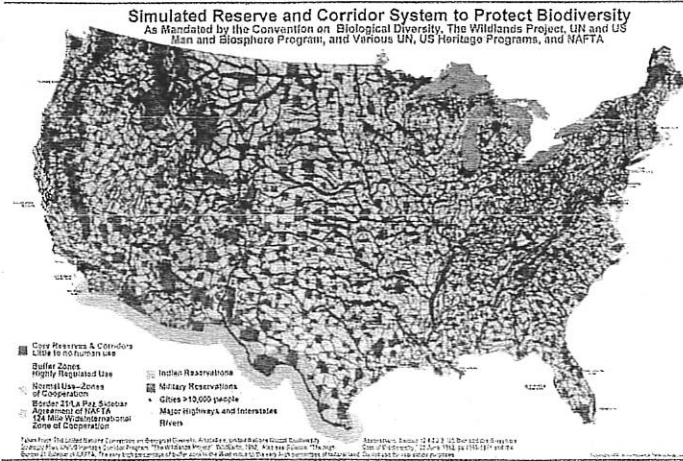
Fortunately, biologists like Ed Bangs don't always agree with the environmentalists. Bangs says the goal of the Endangered Species Act is simply to prevent extinction, and his SWAT teams are ready to annihilate troublesome radio-collared wolves.

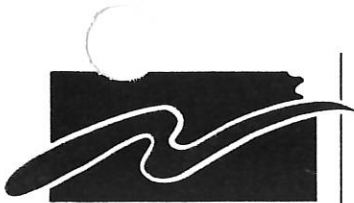
The FWS in Southwest states, by contrast, wants ranchers to do their killing for them. But ranchers don't want those "lethal take" permits, which would expose them to environmental activists who will publicly target them as wildlife abusers.

Wildlands Project enthusiasts want predators like wolves returned to their former glory. With the wolf cub logo at the center of their money-raising efforts, environmentalists would be hard-pressed to come up with another animal with as much emotional appeal as the elusive wild wolf.

The hard push for wolves all through the Americas worries Robert Fanning of the Friends of the Northern Yellowstone Elk Herd. "In the time it takes to drink a cup of coffee, a wolf will run through and kill a dozen elk calves," he says. "It's a slaughterfest." Yellowstone Park biologist Doug Smith disagrees. He says the elk were getting too numerous.

But the massive re-introduction of predators isn't really about wolves — or lions or grizzlies. It's about land control. Humans locked up in population centers are more easily controlled. They can no longer make decisions about their natural resources — can no longer raise cattle or log or mine for fear of offending some environmental ideal.





KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY

Before the House Agriculture Committee

HB 2027

January 29, 2003

By Judy A. Moler, General Counsel/Legislative Services Director

Thank you, Chairman Johnson and Members of the Committee for allowing the Kansas Association of Counties to provide testimony on HB 2027.

The Kansas Association of Counties supports the passage of HB 2027. The KAC has worked with Representative Johnson on this bill. In particular, the KAC supports the portion of the bill giving the county commission the authorization to manage and control prairie dogs when the landowner fails to do so. In western Kansas in particular and as a result of the dry year we have had, prairie dogs have become an increasing problem.

The Kansas Association of Counties respectfully urges the committee to pass out of committee HB 2027.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randy Allen or Judy Moler by calling (785) 272-2585.

6206 SW 9th Terrace
Topeka, KS 66615
785•272•2585
Fax 785•272•3585
email kac@ink.org

House Agriculture Committee
January 29, 2003
Attachment 9

**Testimony of
Fred Flax, President
Kansas Legislative Policy Group
Before the House Agriculture Committee
RE: House Bill No. 2027**

Chairman Johnson and Members of the Committee:

Kansas Legislative Policy Group (KLPG) is pleased to offer testimony regarding House Bill No. 2027. KLPG represents the interests of 30 plus counties located in western Kansas.

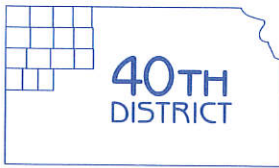
Members of our Association have reviewed the proposed legislation and KLPG is in support of House Bill No. 2027.

This issue has been of keen interest to many of our members. We would like to thank Wildlife and Parks Secretary Mike Hayden and the Department for inviting KLPG to participate in the development and drafting of the proposed legislation.

Although attitudes and opinions can vary with respect to the control and management of prairie dogs, KLPG does support shifting the responsibility from Township Boards to the Boards of County Commissions. This will insure that countywide perspective is given to the implementation of a management and control plan.

We encourage the Committee to act favorably on House Bill No. 2027.

Thank you for your consideration and the opportunity to present these remarks.



COMMITTEE ASSIGNMENTS

CHAIR: UTILITIES
MEMBER: ASSESSMENT & TAXATION
ELECTIONS & LOCAL GOVERNMENT
ORGANIZATIONS, CALENDAR, & RULES
RULES & REGULATIONS

**TESTIMONY BEFORE THE HOUSE AGRICULTURE
COMMITTEE**

**HB 2027
January 29, 2003**

Mr. Chairman and members of the committee:

I am here to testify against HB 2027. This bill is part of a concerted effort at both the national and state level to manage and control private property that is stalled in Congress and I ask your help in keeping this bill in your committee.

Some observations from reading Kansas Department of Wildlife and Park's Kansas Black-tailed Prairie Dog Conservation & Management Plan which was approved on Oct. 2, 2002. (see attachment 1):

1. On page 5- . . . "prairie dog species can be a health hazard. Cases of human death due to plague contracted from . . . prairie dogs have been documented. . . ."
2. On page 8- "Plague has been documented in southwestern Kansas. . . and has been identified in mammals and fleas in western Kansas."
3. On page 16- "Implementation Priority II – Develop a plague monitoring survey in Kansas (most likely a coyote blood test to determine presence or absence of plague antibodies." There have been 3 major outbreaks of Bubonic Plague in world history in which 137 million people died.

Why would we as a state, spending millions of dollars on biosecurity, consider changing from *eradication* to *manage* this known carrier of the fleas that cause the Plague?

4. Returning to page 5 . . . "prairie dogs and their activities were identified . . . as causing the worst damage by any wildlife species in the state and contribute hundreds of thousands of dollars worth of damage to agriculture crops, earthen dams,

airports, and golf courses annually.” Don’t people and livestock deserve respect.

5. On page 6 – “In 1956, Smith indicated that there was a total of 57,045 acres of prairie dog towns in Kansas” The paragraph describes 3 other studies since then and the following paragraph states: “The population of prairie dogs in Kansas seemed to have oscillated slightly but remained relatively constant since the 1956 estimates.”
6. On page 10 – “Objective 1.3 –
Maintain at least current acreage of 130,000 acres of Black-Tailed Prairie Dogs in Kansas. . . .
10 year goal of increasing acreage to 150,000 acres
by 2012 if appropriate landowner incentive programs are developed at the federal level.”
7. Appendix 3 is the study that was used to determine that there currently are 130,000 acres of prairie dog towns in Kansas.”
8. Appendix 5 lists the major prairie dog complexes and colony area in Kansas. Less than 25,000 acres is shown on this map. I would have thought that considerably more than 20% of the acres purported to exist would have been shown.

I have no idea how many acres of prairie dog towns exist, the latest study shows there over 3 times as many acres today as existed 10 years ago and twice as many acres today as existed 50 years ago. With that kind of growth why do we need this bill?

Let’s visit a little more about the management plans and how they work. I am sure that many of you receive the “Environment & Climate News,” it is one of the free publications that arrives in my mailbox monthly. The January 2003 issue (attachment 2) contains an interesting article titled: Saving Prairie Dogs. . .to Kill Them . The article described the planning process that the Bureau of Land Management (BLM) is required to follow in implementing a Management Plan. It tells of the public hearings, extensive public participation and the final Plan provides for “hiking, camping, hunting and recreational shooting of unregulated wildlife.”

The US Fish and Wildlife Service (FWS) then decided to introduce black-footed ferrets into the area.

Without any hearings, BLM closed the area to all hunting and threatens to fine anyone violating this order with a \$1000 fine and 1 year in jail.

“The federal government is not seeking to protect the prairie dog because they are listed under the endangered species act; they are not. Nor is the federal government seeking to prevent the shooting of ferrets. . . . What the government is seeking is to save prairie dogs so the ferrets can invade their homes and eat them. As the FWS put it, “the prairie dog colony provides prey base and habitat for the survival of the ferrets.” The natural extension of this interpretation of the endangered species act is mind boggling: Any plant or animal could be placed off-limits under the ESA because it is used as food or shelter by a plant or animal protected by the ESA!

Look at the proposed language in Section 3 of the bill. Page 2 starting at line 19. *(a) Prairie dogs are a species of management concern requiring both control and protection. Species of management concern or its habitat, or both, are of value ecologically and aesthetically and at the same time may be damaging for property owners.* **LOOK!** We are giving up our property rights to Wildlife and Parks not only for prairie dog control but management of habitat also! The bill talks out of both sides of its mouth at the same time! Current law is very clear: “Destroy and Eradicate.” Do you want Wildlife and Parks to have the power to determine how you use your land based on aesthetics? Heaven forbid! That’s like signing a peace treaty with Osama! Don’t allow them to put a noose around the rancher’s neck! They are trying to turn our ranches into parks! We have enough problems in western Kansas now, let’s not create another one! The current language has served us well for 100 years, I shudder to speculate what the thought process might be at Wildlife and Parks 100 years from now.

Let’s look at another example near an urban area (attachment 3). In Utah, Lin Drake, purchased some land and wanted to develop a subdivision. He checked and double-checked to make sure it did not have any Prairie Dogs. He hired an engineer to survey the exact boundaries. State and Federal wildlife officials received an anonymous tip and paid a visit to the area and reported seeing between 74 and 78 prairie dogs but could only capture 2 on film. The next day they returned but so no dogs, no mounds, no holes but went ahead and notified Drake that he faced a fine of up to \$200,000 and a year in jail. Two years later he was fined \$15,000 because the 2 dogs that the federal employees filmed could not be found and therefore Drake must have killed them.

What is going on here? The National Wildlife Federation (attachment 4) website is instructive. This describes their step by step tactics in attempting to force you and the Federal Government into action.

Let's look at the coordinated action by environmental organizations at the Federal level (attachment 5). On December 20, 2001 at 11:45 pm, Sen. Henry Reid from Nevada, called for "unanimous consent" to pass S. 990 – The American Wildlife Enhancement Act of 2001. With only 3 Senators present, the bill had **NO** hearings, **NO** debate, **NO** vote, just "unanimous consent on the last night in session for the year.

This bill provided \$125 million per year for 5 years for the "acquisition of land and water suitable for feeding, resting or breeding for wildlife."

On Nov. 15, 2002 at two thirty-five in the morning the US House of Representatives at the motion of Rep. James Hansen from Utah, with **NO** hearings, **NO** debate, **NO** vote, just "unanimous consent" passed the same bill with a \$1 billion price tag.

What was in this bill?

- Creates a new category in the Endangered Species Act. Currently we have "Endangered Species" and "Threatened Species," it adds "species at risk." It provided \$150 million per year to "environmental organizations" to enforce this new category.
- Gives \$50 million per year to states for "cooperative conservation" plans that include "property acquisition."
- Gives \$50 million per year for "shrubland and grassland" conservation. Grass and shrubs are defined as: Grass and Shrubs; and areas "historically dominated" by grass and shrubs; and areas that "if restored to natural grassland or shrubland, would have the potential to serve as habitat for endangered species, threatened species, or species at risk."
- In the House version was a \$9 million payoff to New Hampshire to ensure Sen. Bob Smith's legacy and an \$11 million for Utah to create the James V. Hansen Bear River Visitor Center.

Thankfully, we alerted our US Senators to stop a motion to concur and this nonsense did not become law. Harold Stones' reply to me is instructive:

-----Original Message-----

From: Stones, Harold (Roberts) [mailto:Harold_Stones@Roberts.senate.gov]

Sent: Friday, November 22, 2002 9:08 AM

To: sclark@ink.org

Subject: RE: s. 990

Well, it sounds as if it has been handled, but it was my experience, dealing with federal regulatory issues for bankers for 30 years, that you NEVER REALLY win, you just delay, if you're lucky. A bureaucrat, properly dedicated, will bring the same issues up time and time and time again until he/she finally achieves them, or retire. So constant vigilance is necessary. A little like my Dad used to say. He wondered why bond issues are voted on time and time again if they lose, and only once when they pass. He thought the money should be held in escrow until at least two more elections, if successful. Sort of "best 2 out of 3", but he wasn't very successful in selling his idea.....

Best Holidays to you.

The new chairman of the US Senate Environment Committee is Oklahoma Republican James Imhofe (attachment 6). He replaces Jumping Jim Jeffords of Vermont.

California Representative Richard Pombo was selected to replace James V. Hansen as chairman of the House Committee on Resources (attachment 7 & 8). There were 7 contenders for committee chairman and he was the only contender to vote for property rights every time every year for the past 7 years.

Last year Rep. Pombo (attachment 9) exposed officials in the US Fish and Wildlife Service, the Forest Service and the Washington Dept of Fish and Wildlife for planting false evidence. He wrote: "It is high time that our federal agencies realize that their actions affect the livelihood of millions of citizens in rural America. The farmers, ranchers, small business owners and outdoorsmen who live in our districts must be able to work with federal land management agencies to protect our natural environment while still providing jobs and preserving their way of life. This is not possible in the face of willful corruption."

Committee members, Prairie Dog State Park is in my district, as is Prairie Dog Creek, Prairie Dog Golf Course and thousands of acres of Prairie Dog Towns. I enjoy reading the Prairie Dog Press and the World's largest Prairie Dog is less than 2 ½ miles from where I live. We now have new chairmen in both the US House and Senate Environment and Natural Resources Committees that will stand against the radical environmentalists, I ask you to do the same today.

If I haven't convinced you yet, please grant me one favor. Make the management plans apply only: "**In counties where there are more people ^{than} ~~and~~ prairie dogs . . .**" If prairie dogs are *endangered species*, or *threatened species*, or *species at risk*, I would assert that people in western Kansas and their habitat deserve the same protection.

I will gladly stand for questions.

Attachment #1
Jan Clark

KANSAS BLACK-TAILED PRAIRIE DOG CONSERVATION
& MANAGEMENT PLAN

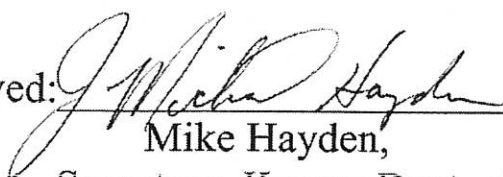


Prepared by:

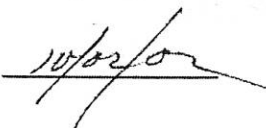
Kansas Black-Tailed Prairie Dog Working Group

July, 2002

Approved:


Mike Hayden,

Date:



Secretary, Kansas Dept. of Wildlife & Parks

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- II - Bailey's Eco-region Map**
- III - Survey of Kansas Prairie Dogs**
- IV - Kansas Black-Tailed Prairie Dog Population Density map**
- V - Black -Tailed Prairie Dog Complexes in Kansas map**

Overview of the Conservation and Management Plan

The Kansas Black-Tailed Prairie Dog Conservation and Management Plan is designed to minimize and potentially eliminate the current threat to prairie dog populations as listed in the US FWS 12-month finding published in the Federal Register (Feb 4, 2000: Vol. 65, No. 24). The five threats are as follow:

1. Present or threatened destruction, modification, or curtailment of its habitat or range.
2. Over utilization for commercial, recreational, scientific, or educational purposes.
3. Disease or predation.
4. Inadequacy of existing regulatory mechanisms.
5. Other natural or manmade factors affecting its continued existence including Control (Poisoning) and Habitat Fragmentation.

Summary of the Threats

1. **Habitat loss:** Population declines related to loss of black-tailed prairie dog habitat across its range can be traced to conversion of prairie grassland to farmland, urbanization, habitat conversion (conversion of grassland and savanna to shrubs), vegetative succession and fragmentation. The Service's 12-month finding rated habitat loss as a moderate threat.
2. **Over-utilization / Unregulated Shooting:** Over-utilization for recreational purposes is primarily related to shooting. Shooting contributes to population fragmentation and reduction in colony productivity and health, causes some loss of non target species and may preclude or delay recovery of colonies reduced by other factors such as Sylvatic plague. Shooting can significantly impact colonies in areas where shooting is intense or persistent over an entire year. Prairie dog shooting was uncontrolled in all 11 states within the range in 1998. The Service rated shooting as a low threat in the 12-month finding.
3. **Plague:** Bubonic plague, referred to as Sylvatic plague in wild animals, is the major disease affecting black-tailed prairie dogs and has the potential to decimate complete colonies or complexes within one season. There is currently no treatment for plague in prairie dogs or a known preventative measure that is effective. Plague was rated as a moderate threat in the 12-month finding.
4. **Inadequate Regulatory Mechanisms – Pest Status and Unregulated Poisoning:** The black-tailed prairie dog was classified as a pest by all states within its historic range at the time the listing petition was filed in 1998. Some state statutes required eradication and all states permitted uncontrolled take in 1998. The major federal land management agencies, Bureau of Land Management, and Forest service, manage prairie dogs to meet multiple –use objectives, and allowed poisoning before the black-tailed prairie dog was added to the candidate species list.
5. **Other Natural or Manmade Factors:** Extensive poisoning was conducted throughout most of the black-tailed prairie dog's range from 1912 to 1972 in order to reduce forage competition between prairie dogs and domestic livestock.. Control by poisoning occurs at a lesser but significant rate today. Currently, USDA, APHIS – Wildlife Services is the primary federal agency contributing to prairie dog control through assistance to private landowners and direct control programs. In some states county weed and pest districts, state departments of agriculture, and state extension service provide financial or extension assistance to landowners for control of prairie dogs. Control by poisoning was rated as a moderate threat in the 12-month finding.

Description

The black-tailed prairie dog (*Cynomys ludovicianus*) is a diurnal, burrowing rodent, almost 15 inches in length, including a 2-inch, black-tipped tail. It is yellowish buff in color and weighs up to three pounds.

Life History

Black-tailed prairie dogs are highly social animals. They live in colonies or towns, which cover from one acre to thousands of acres of grassland habitat typically in short or mid-grass prairies. A family group, or coterie, is made up of an adult male, one to four breeding females and their offspring younger than two years of age. With the emergence of young, coterie can number as many as 40 individuals (Hoogland 1996). Black-tailed prairie dogs are active all year long, but during extremely cold weather will remain underground for several consecutive days.

Black-tailed prairie dogs become sexually mature in the second February or March following birth (Hoogland 1995). Breeding season varies with latitude. It starts in January in the southern parts of its range and continues into April in the northern part (Hoogland 1996). They normally have one litter per year and litter sizes range from one to eight young. However, due to mortalities, on the average, only three individuals survive and come above ground. Pups emerge at about 41 days and will stay with their natal coterie for a minimum of two years (Hoogland 1996). Prairie dogs have been documented to live up to eight years in the wild (Foster and Hygnstrom 1990).

Black-tailed prairie dogs are herbivores and feed on a variety of vegetation including grasses and forbs (Koford 1958), and to a lesser extent seeds and insects (Foster and Hygnstrom 1990). Short-grass species commonly eaten by prairie dogs include buffalo grass (*Buchloe dactyloides*) and blue grama (*Bouteloua gracilis*). Estimates suggest that it takes 256 prairie dogs to eat as much as one cow eats in one month (Koford 1958). Grasses and other vegetation are clipped close to the ground to allow for a greater range of sight. The digging actions of prairie dogs contribute to enhancing soil structure, water filtration, and forb growth.

Prairie dogs and their colonies are used by a wide variety of wildlife species. A number of species prey on prairie dogs, and in the case of the black-footed ferret (*Mustela nigripes*), have become very specialized in killing this communal rodent (Koford 1958). Because the black-tailed prairie dog influences ecosystem functions through its activities in unique and significant ways, it is considered by some as a keystone species of the short-grass prairies.

However, the same activities some consider a necessity to the grassland ecosystem, others consider a nuisance. In a study by Conover and Decker (1991), prairie dogs, and their activities were identified by some as causing the worst damage by any wildlife species in their state and contribute hundreds of thousands of dollars worth of damage to agriculture crops, earthen dams, airports, and golf courses annually. In addition to damages, prairie dog species can be a health hazard. Cases of human death due to plague contracted from handling Gunnison's prairie dog (*Cynomys gunnisoni*) have been documented in Arizona (ADHS 1993).

Historical Status

The first description of the prairie dog in Kansas occurred in 1806-07 by Pike and he designated it by its Native American name, Wishtonwish. In 1859, J.R. Mead (1899) indicated that prairie dogs were innumerable; the divide between the Saline and Solomon rivers in Ellsworth County (north-central Kansas) and west was continuous prairie dog towns for miles. Lantz (1903) reported that sixty-eight counties in Kansas were occupied with prairie dogs. Lantz used a landowner survey to approximate occupied acreage. Results indicated that 1,224,855 acres were occupied by prairie dogs, which he rounded off to two million acres to account for non-respondents in the survey questionnaire. The historic range of the prairie dog in Kansas included the western two-thirds of the state, west of the tallgrass prairie of the Flint Hills.

Legislative action directed at extermination of prairie dogs in Kansas was initiated in 1901 (Lantz 1903). The decline of the black-tailed prairie dog was largely due to poisoning efforts (Smith 1958). Changes in land use practices after settlement of western Kansas by Europeans also contributed to abrupt declines in populations of the prairie dog. Nearly two-thirds of the 33 million acres of range and pasture land within the geographic ranges of the prairie dog in Kansas was converted to cropland and other uses after settlement by Europeans. Because prairie dogs prefer deep, relatively level soils, much of this agricultural development probably occurred in areas inhabited by prairie dogs, with resultant destruction or fragmentation of many of the larger colonies (Choate 1982).

The number of prairie dogs in Kansas declined following the onset of the extermination efforts but seems to have remained fairly stable since the earliest known account by Smith (1958). In 1956, Smith (1958) indicated that there was a total of 57,045 acres of prairie dog towns remaining in Kansas, a large decrease from the 2 million acres reported by Lantz in 1903. Starting in 1973 Kansas Department of Wildlife and Parks (KDWP) requested from the Soil Conservation Service (SCS) agents and the Department's Wildlife Conservation Officers (WCO) current distribution and abundance of prairie dog colonies throughout their historical range in Kansas. The surveys conducted in 1973, 1977, and 1989 indicated that there were approximately 35,395 acres, 57,432 acres, and 25,025 acres of prairie dog towns each year respectively (Henderson and Little 1973, KS Dept. of Wildl. and Parks, unpubl. data). However, Powell (1992) evaluated the reliability of the opinion survey in 1989 by using Agriculture Stabilization and Conservation Service (ASCS) crop evaluation color slides. Although only eight counties were compared (Clark, Decatur, Ford, Gray, Hamilton, Meade, Norton, and Scott) he reported an overall underestimate of 57% in the opinion survey with a wide array of under and over reporting depending on counties and level of participation. Information from SCS and WCO survey respondents also indicated that most areas were not ground truthed and responses differed from SCS and WCO employees. Estimated acreage between individuals mapping the same colonies also varied greatly. Based on Powell's report (1992) the 1989 statewide SCS opinion survey estimate could thus be more accurately evaluated to be 44,222 acres. Similarly, Lee and Henderson (1988) evaluated the size of prairie dog colonies in eight selected counties. They used the 1986 Department of Property Valuation aerial photographs for Barber, Cheyenne, Gray, Hamilton, Meade, Morton, Rooks, and Wallace counties. An estimated 10,929 acres were determined to be active colonies with a balance of 4,323 acres not active (71.6% active colonies based on ground truthing). The estimates of Lee and Henderson (1988) were comparable to those provided by Powell and approximately twice the acreage reported in the 1989 SCS Opinion Survey. Finally, Vanderhoof and Robel (1992, 1994) used 1991-1992 ASCS crop evaluation slides to evaluate the distribution and abundance of prairie dog colonies for most of the historical range (62 counties). They determined that approximately 46,542 acres of short and mid-grass prairies were occupied by prairie dog colonies in Kansas.

The use of aerial photography was shown by three separate authors in Kansas (Lee and Henderson 1989; Powell 1992; Vanderhoof and Robel 1992, 1994) to provide more reliable and accurate estimates than the opinion survey of SCS and WCO. The population of prairie dogs in Kansas seemed to have oscillated slightly but remained relatively constant since the 1956 estimates.

State Status

The black-tailed prairie dog is classified as *wildlife* in Kansas (KSA 32-701). A hunting license is required to hunt them (KSA 32-919). Kansas also specifies legal equipment and taking methods (KAR 115-20-2). The season is open all year with no limit on number of prairie dogs taken. Through these regulations the Kansas Department of Wildlife and Parks has the authority to regulate hunting of the black-tailed prairie dog.

In 1901 and 1903, the Kansas legislature passed laws (KSA 80-1201, 1203) authorizing townships to conduct prairie dog eradication programs. These laws also provided funds for the Kansas State Agricultural College to hire a field agent to direct and conduct experiments for the purpose of destroying prairie dogs and gophers (Lantz 1903). In recent years some counties have invoked "Home Rule" to take over authority for prairie dog control from the townships and impose mandatory control requirements on landowners. In most instances, the landowner is first given the opportunity to control prairie dogs on his or her land and if he or she fails to do so it is done by the county at the landowners' expense (Lee and Henderson 1989). A prairie dog control permit (KAR 115-16-2) is required to use any poisonous gas or smoke to control prairie dogs, except toxicants labeled and registered for above ground use. Each permit needs to be approved by the Secretary of the Kansas Department of Wildlife and Parks and the Extension Specialist in wildlife damage control. Persons offering their services in controlling prairie dogs with pesticides including baits and fumigants on a commercial basis must have a pesticide business license and commercial applicator certification.

Present Situation

Historically grazing of rangelands was done by many species of animals. Following settlement most ranchers did not want cattle to compete for forage and so attempted to remove prairie dogs from their rangeland. The black-tailed prairie dog diet is variable (Fagerstone 1982) and the degree of dietary competition between cattle and prairie dogs can be high with the majority of plants eaten by prairie dogs also eaten by cattle (Taylor and Loftfield 1924, Koford 1958). However, some studies have also shown that prairie dogs increase the productivity of grasslands under some circumstances and do not negatively impact cattle (Bonham and Lerwick 1976, O'Meilia et al. 1982, Detling and Whicker 1987). More recent accounts have indicted that prairie dogs feed selectively, so 80% of the biomass they ingest may come from plant parts not highly used by cattle (Crocker-Bedford 1976). Also, competition might be minimized by beneficial effects that cattle obtain from plants growing in prairie dog colonies because of increases in plant digestibility and nitrogen content (Coppock et al. 1983) during certain times of the year. However the conditions under which competition is minimized and the factors that may influence such competition are not well known.

Threats to the continued existence of the black-tailed prairie dog are still present. Grassland is still being converted to cropland, although at a much slower rate than in the early 1900's. Most of the grassland suitable for farming with present techniques have already been converted to cropland. Habitat loss to urban development does not appear to be an immediate threat in the very sparsely populated areas of western Kansas. Sylvatic plague is an important factor in the reduction of black-tailed prairie dog populations in some states. Lantz (1903) investigated the use of contagious diseases for control of prairie dogs and reported that diseases had killed off prairie dogs over large areas of Kansas at intervals. Plague has since been documented in southwestern Kansas (Cully 1993). Its extent or impact in other areas of Kansas is unknown. Plague also was identified in mammals and fleas in western Kansas in the 1940's and 1950's, but has not been reported from the state since that time. There have been no human plague cases in Kansas with the result that little plague surveillance has occurred there since 1950. It is likely that plague has been present but not recorded (Culley et al 2000).

Possibly, many threats to prairie dog populations could be minimized or potentially eliminated. However without the support of the local communities and ranchers, it will not be possible to achieve a reasonable conservation goal that both addresses the need to protect prairie dogs as well as control them when necessary in situations where they become too abundant. The following goals and objectives have been established by a group of representatives both from agricultural/landowner interests and from wildlife/environmental interests to address prairie dog conservation in Kansas. Our hope is that the implementation of this plan will prevent the need for future federal listing of the black-tailed prairie dog under the Endangered Species Act (ESA).

Goal

The Goal of the Plan is to maintain biologically viable populations of black-tailed prairie dogs at selected sites across the historical range in Kansas. Seven objectives were determined to be necessary to achieve this goal.

Statement

The Kansas Black-Tailed Prairie Dog Working Group (KS PDWG) recognizes prairie dogs and their habitat as valuable, important, and desired components of the grassland ecosystem, while also recognizing the economic and political realities that control of the species will be necessary in many instances.

Objectives

1. Establish a Statewide Prairie Dog Working Group and Conservation Strategy
2. Determine and monitor species distribution and status
3. Establish regulatory protection
4. Identify, maintain, and promote existing and additional suitable prairie dog habitats
5. Education and Outreach
6. Identify, prioritize, and implement research needs
7. Implementation of State Conservation Strategy

Strategies to Meet Objectives

Objective 1. Establish a Statewide Prairie Dog Working Group and Conservation Strategy

1.1 Public meetings

Public meetings were hosted to inform landowners and other interested parties about the new federal status of prairie dogs. Current and historical background about prairie dog population in Kansas was provided. Information was also provided about the Interstate Prairie Dog Workgroup and the need to develop a statewide prairie dog workgroup. These public meetings were held in Hutchinson, Garden City, and Goodland in March of 2000.

1.2 Statewide Prairie Dog Working Group

The Kansas Department of Wildlife and Parks initiated the development of a Statewide Prairie Dog Workgroup composed of representatives from both agricultural/landowner interests and wildlife/environmental interests. Representatives from various organizations, encompassing both stakeholder types, were requested to voluntarily participate in the workgroup and work toward the development of a mutually acceptable approach to conserve prairie dogs in Kansas in order to preclude listing under the ESA. The list of names and affiliation of members of the workgroup can be found in appendix.

1.3 Kansas Conservation Strategy

- **Maintain at least current acreage of 130,000 acres of Black – Tailed Prairie Dogs in Kansas**
- **Maintain distribution of Black-Tailed Prairie Dogs over 80% of historic range (west of Flint Hills) in Kansas.**
- **Maintain 1 complex greater than 5000 acres**
- **Maintain 10% of acres in complexes of greater than 1000 acres**
- **10 year goal of increasing Black tailed Prairie Dog acreage to 150,000 acres (1% of suitable land) by 2012 if appropriate landowner incentive programs are developed at the federal level.**

Objective 2. Determine the current status and population trend of prairie dogs in Kansas, and establish a long-term monitoring protocol.

2.1 Inventory Prairie Dog Populations over the entire Kansas historical range

Kansas Department of Wildlife and Parks cooperated with the Interstate Prairie dog group to determine the most efficient, reliable, comparable (to other states, not to previously published literature necessarily), and cost effective manner of inventorying prairie dog's over the species historical range in Kansas.

An aerial survey was conducted to evaluate the distribution and abundance of prairie dogs in Kansas throughout their historical range. The counties surveyed were the same as those surveyed in previous efforts using opinion surveys or ASCS crop evaluation slides. The aerial survey also provides colony acreage estimates for the state. Random ground truthing was attempted in January, February and March of 2001 to determine activity levels of colonies as well as to determine accuracy of aerial survey acreage estimates. Ground truthing was determined to be entirely too difficult and time consuming to obtain permission to do this work due to the majority of land inhabited by prairie dogs being privately owned. Aerial truthing was done by reflying a portion of the transects to compare results of observers. Results of the survey can be found in the Appendix.

2.2 Population Monitoring Protocol.

The Black-Tailed Prairie Dog population estimate survey in Kansas will be updated every three years. It is anticipated that an aerial survey similar to the one completed in the spring of 2001 will be completed in 2004, 2007, and 2010 to monitor any changes in population, density, complex size and location, and distribution in Kansas.

Objective 3. Establish regulatory protection

3.1 Propose legislative and regulatory changes that are consistent with the goals of this strategy.

The legal classification and management policies for black-tailed prairie dogs are consistent and reflect the value of the species and associated ecosystem among state agencies. Currently the black-tailed prairie dog is classified as *wildlife* in Kansas (KSA 32-701). Although it may be referred to as a pest, there are no laws in Kansas legally classifying it as a pest.

Current laws and regulations concerning prairie dog management and control in Kansas have been evaluated and changes recommended. Changes in the legal status of prairie dogs would facilitate the implementation of management measures necessary to achieve appropriate conservation of black-tailed prairie dogs and other associated species.

- Hunting, take and season lengths have been evaluated and no change is recommended at this time. KDWP has ample regulatory authority to set season dates and harvest limits. Hunting, take and season lengths will be reevaluated in 2004, 2007, and 2010 after completion of surveys to protect over harvest of prairie dogs in the state. Questions have also been added to the small game harvest survey to document the amount and portion of the state where shooting takes place. Hunting may bring extra-unforeseen revenues to landowners as has been documented in other states.
- Commercial harvest of live prairie dogs, i.e. pet commerce, is not recommended at this time. Therefore, no changes are recommended to the state regulation regarding commercialization of some wildlife species. These regulations will be reviewed at least every three years to address changes in the population level of prairie dogs or to address new concerns.
- The use of pesticides for prairie dog control will be reevaluated at least every three years. The effectiveness of products currently recommended and their impact on other wildlife will be evaluated. Changes in methods will be recommended based on these outcomes and on new better products reaching the market.
- Statute change recommendations to existing legislation, which currently mandates prairie dog eradication in many cases, were drafted and a bill, HB 2470 - Regarding options for the control of prairie dogs, was submitted to the 2001 Kansas Legislature jointly by the Dept. of Agriculture and the Dept. of Wildlife and Parks. The focus of proposed changes would make conservation and/or control of prairie dogs voluntary for landowners, providing more flexibility in management decisions and removing the threat of mandatory eradication. More work is needed in developing this legislation before voting on the measure, and the Kansas Workgroup will continue to be involved in this effort.

Objective 4. Identify, maintain, and promote existing and additional suitable prairie dog habitats.

4.1 Identify suitable prairie dog habitat.

The amount of suitable habitat existing in Kansas has been determined in conjunction with the 11 state conservation team from GIS layers developed from Bailey's Eco-Region maps. This shows about 15 million acres of land suitable for prairie dogs in Kansas, to meet the state goal of 1% of suitable land this would translate to a 10 year goal of 150,000 acres. This map is included in the appendix.

Landownership pattern is available in a GIS stewardship layer that includes both specific public ownership (Bureau of Reclamation, Department of Defense, USFWS, National Grasslands, and KDWP) and private ownership. Private ownership will not be broken down to any further specifics. This map is included in the appendix.

4.2. Identification of Prairie dog complexes.

Based on the best information available and survey information compiled under this strategy (see 4.1), locations of black-tailed prairie dog complexes have been determined. Complexes are defined by previously published information and by agreement by the Black-tailed Prairie Dog Interstate Conservation Team as the number of colonies that are adjacent to each other within a 7 km (4.3 mile) radius. Complexes have been identified on both public and private lands. This map is included in the appendix.

4.3. Development and maintenance of complexes.

The use of education and outreach programs highlighted in this strategy will play a major role in the development and maintenance of complexes.

Development of management incentives for prairie dog conservation on private lands would most likely provide the best means to maintain or increase prairie dog acreage in Kansas. Priorities for funding will be placed in areas where complexes already exist or may potentially be developed. Existing programs may need modifications and/or new programs may be developed to provide incentives for landowners. At this time Kansas will evaluate any potential program that is developed on a national basis but is unlikely to be in the financial situation to develop a state based program.

- Proactively contact private landowners in areas that have had complexes determined or areas that have been determined suitable for complex development. This approach would more likely be successful if incentive programs are available for landowners that are acceptable to them.
- Investigate the possibility of developing a statewide Candidate Conservation Agreement with Assurances (CCA).

Objective 5. Education and Outreach

5.1 Develop and implement education and outreach programs

Programs should focus on the black-tailed prairie dog ecology, economic value and constraints, and related human health issues. Programs will also be developed within a global prairie ecosystem overview encompassing other wildlife species and their ecological needs, particularly those associated with prairie dog towns.

- Identify target audiences and determine how best to reach each one.
- Prepare general and targeted information and educational materials. These may include but are not restricted to trade newsletters, pamphlets, news releases, magazine articles, group presentations, special prairie dog web page, other educational programs, and public meetings.
- Review materials prepared by other states within the interstate group and, when appropriate, request permission to use them.
- Prepare well-written and accurate information to be made easily available to private landowners, which informs them of options available for their voluntarily assisting in conservation and management initiatives.
- Advertise widely and vocally the fact that pro-prairie dog actions on private lands under this plan will be completely voluntary and can possibly prevent the necessity of listing of prairie dog under the ESA.
- Assist individuals and wildlife cooperatives in developing educational materials and programs that promote both ecotourism and an understanding of the potential economic value of prairie dogs, associated species, and prairie conservation and management.
- Identify an official spokes-person for the KS PDWG in order to send out a consistent message. The Kansas Department of Wildlife and Parks has been designated as the center point for major issue coverage as required.
- Address human health risk concerns related to plague in prairie dogs by developing and distributing a fact sheet.

Objective 6. Identify, prioritize, and implement research needs

6.1 Identify important research needs for the state of Kansas

Research projects are currently being implemented in various states across the prairie dog range. It is therefore important to coordinate with the Interstate Prairie Dog Workgroup when developing and implementing research projects, to ensure comparable information is acquired and to prevent unnecessary duplication of projects. It may however be necessary to implement some projects in various parts of the prairie dog range to ensure adequate coverage of the various conditions encountered and to address sociological concerns. Projects will be implemented based on available funding and source of expertise. The following is a list of high priority projects for the state of Kansas. The top priority item is determined to be prairie dog effects on livestock. The second highest priority is to determine the extent of plague in Kansas. This project is currently funded and already underway.

- a. Grazing practices - Long term study.
 - i. Determine livestock gains on land with and without the presence of prairie dogs, especially in the short-grass region.
 - ii. Examine the impact of prairie dog presence on assessed valuation and land values.
 - iii. Identify grazing practices that are most compatible and profitable on lands containing prairie dogs.
 - iv. Examine flora and fauna responses to livestock grazing in the presence of prairie dogs.
- b. Plague - Long term study.
 - i. Determine distribution of plague in Kansas.
 - ii. Examine factors limiting the geographical distribution of plague.
 - iii. Develop monitoring system for the presence of plague in Kansas.
- c. Control measures - Short term study.
 - i. Develop and or test non-lethal measures to contain prairie dogs at a site and prevent expansion (vegetative buffer strips, fences, etc.) into unwanted areas.
 - ii. Effects of recreational shooting on prairie dog populations.
- d. Evaluate existing data on prairie dog populations in Kansas for information on distribution, abundance, and population trends.
- e. Economic analysis of recreational shooting and wildlife viewing.
- f. Other research topics as needed.

Objective 7. Implementation

A feasible administrative structure must be determined and funding for implementing the conservation management plan will be developed through the KDWP budget process. As funding allows different levels of the plan will be implemented. An annual evaluation of each objective of this plan will be conducted by the Kansas Prairie Dog Working Group. The plan may be amended as needed and distributed accordingly.

The number 1 priority at current time is for continued monitoring and evaluation of the population in Kansas.

Priority I

- Survey and monitor black-tailed prairie dogs populations in Kansas.
- Identify black-tailed prairie dog complexes in Kansas.
- Work to amend prairie dog eradication statutes, to allow more management options for landowners

Priority II

- Develop a plague monitoring survey in Kansas (most likely a coyote blood test to determine presence or absence of plague antibodies)

Priority III

- Develop Statewide CCAA

Priority IV

- Implement research projects
- Develop information and outreach programs

Priority V

- National Landowner Incentive Program (If developed, Implementation will increase priority)

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APPENDIX I

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APPENDIX II

Bailey's Ecoregions

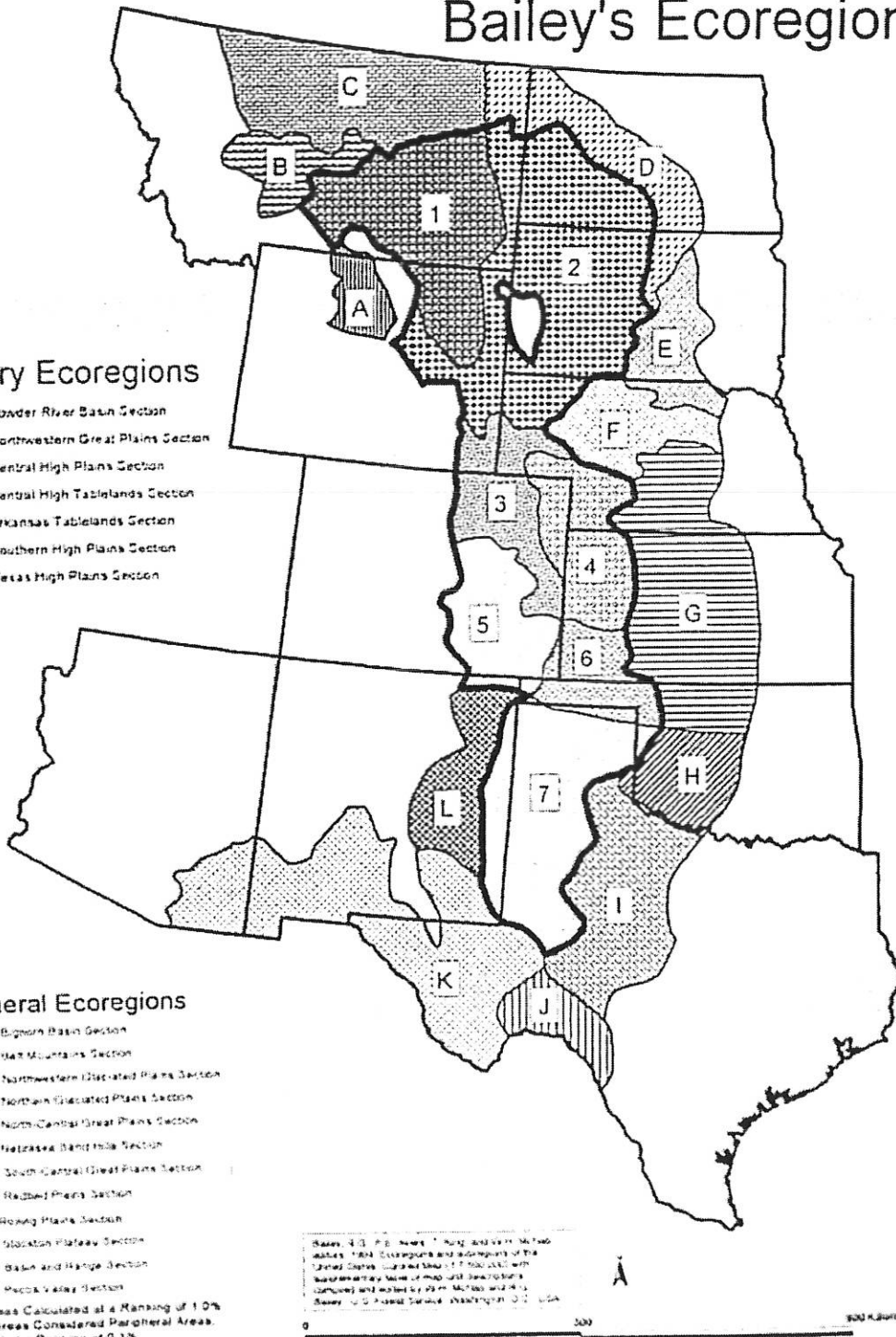
Primary Ecoregions

- 1 Powder River Basin Section
- 2 Northwestern Great Plains Section
- 3 Central High Plains Section
- 4 Central High Tablelands Section
- 5 Arkansas Tablelands Section
- 6 Southern High Plains Section
- 7 Texas High Plains Section

Peripheral Ecoregions

- A Big Horn Basin Section
- B Black Mountains Section
- C Northwestern Dissected Plains Section
- D Northern Dissected Plains Section
- E North-Central Great Plains Section
- F Neotoma Sandhills Section
- G South-Central Great Plains Section
- H Redbed Plains Section
- I Rolling Plains Section
- J Stockton Plateau Section
- K Basin and Range Section
- L Piedmont Valley Section

* Solid Areas Calculated at a Ranking of 10%
 Stippled Areas Considered Peripheral Areas,
 Calculated at a Ranking of 0.1%
 Unshaded Areas Considered Outside BTPD Range



APPENDIX III

ESTIMATES OF ACREAGE AND NUMBER OF BLACK-TAILED PRAIRIE DOG TOWNS IN WESTERN KANSAS

submitted to Mike Mitchener, Kansas Department of Wildlife and Parks, January 18, 2002

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DEPARTMENT OF STATISTICS
KANSAS STATE UNIVERSITY
MANHATTAN KS 66506-0802

1. ESTIMATES OF ACREAGE AND NUMBER OF PRAIRIE DOG TOWNS IN WESTERN KANSAS

The object of this report is to provide (1) an estimate of the acreage covered by black-tailed prairie dog towns in western Kansas, and (2) provide acreage estimate standard error and confidence limits on (1) for the Kansas Department of Wildlife and Parks (KDWP). In addition to the required items above, included in this report are acreage estimates per survey "quadrant", corresponding estimates related to the number of black-tailed prairie dog towns, and an analysis of the association between acreages and numbers of prairie dog towns. An additional analysis of the association between observer sighted acreages and line intercept measurements of prairie dog towns will be forthcoming separate from this report.

- (a) **SAMPLING DESIGN AND DATA COLLECTION:** A brief description of the sampling design and data collection relevant to estimation is given. Data are supplied by KDWP. Four quadrants, encompassing the area of western Kansas, were surveyed aerially for black-tailed prairie dog towns using systematically placed north-south oriented strip transects. Acreages and numbers of prairie dog towns were visually measured by observers in planes flying over the strip transects. Assuming that the spatial pattern of prairie dog towns is random with respect to the systematically laid out transects, estimation is based on simple random sampling within each quadrant (Thompson, 1992).
- (b) **ESTIMATION METHODOLOGY:** The basic estimation strategy is to compute an average proportional area covered by prairie dog towns in each quadrant and multiply this average by the number of acres in the quadrant. The four quadrants (labeled by h) are considered as four independent strata. The number of strip transects available, N_h , and the number of transects flown (sample sizes, n_h) are in Table 1. Areas covered by strip transects are not the same for all transects, so because larger transect areas could conceivably result in larger observed acreages of prairie dog towns, the observed acreage of prairie dog towns on each transect is scaled by the acreage of the strip transect. Estimated total acreage is weighted based on N_h per estimation under a stratified random sampling design. Note that Sidle et. al.'s estimation approach is similar, but they ignored the finite population aspects in estimation.

Table 1: Sample sizes and numbers of transects available per quadrant.

quadrant	numbers of available transects	sample sizes
northeast	112	23
northwest	108	27
southeast	128	22
southwest	132	33

In some detail, the estimation approach, following stratified random sampling (Thompson, 1992), is:

- i. Let $y_{ih} = a_{ih}/b_{ih}$ be the proportion of transect i in quadrant h that is covered by prairie dog towns using the acreage of prairie dog towns, a_{ih} , and the acreage of the strip transect, b_{ih} . The mean proportion of land per transect covered in quadrant h is $\bar{y}_h = \frac{1}{n_h} \sum_{i=1}^{n_h} y_{ih}$, where n_h is the sample size in quadrant h .
- ii. The estimated total acreage covered by prairie dog towns in quadrant h is $\hat{y}_h = A_h \bar{y}_h$, where A_h is the land acreage of quadrant h .
- iii. The standard error estimator of \hat{y}_h is $s.e.(\hat{y}_h) = \sqrt{A_h^2 \left(\frac{N_h - n_h}{N_h} \right) \left(\frac{s_h^2}{n_h} \right)}$, where the data variance estimator is $s_h^2 = \sum_{i=1}^{n_h} (y_{ih} - \bar{y}_h)^2 / (n_h - 1)$.
- iv. The estimated total acreage covered by prairie dog towns is $\hat{y} = A \bar{y}_{st}$, where $\bar{y}_{st} = \sum_{h=1}^4 \frac{N_h}{N} \bar{y}_h$ ($N = \sum_{i=1}^4 N_h$) and the standard error of \hat{y} is $s.e.(\hat{y}) = \sqrt{A^2 Var(\bar{y}_{st})}$.
- v. 90% normal confidence limits are computed as $\hat{y}_h \pm 1.645 s.e.(\hat{y}_h)$ and $\hat{y} \pm 1.645 s.e.(\hat{y})$.
- vi. Estimates of \bar{y}_h , \bar{y}_{st} , and their standard errors were computed using Proc Descript of SUDAAN (Shah, et. al., 1996).
- vii. Estimates of the number of prairie dog towns were computed similarly to estimates of acreages.

- (c) ESTIMATES: Estimated acreages covered by black-tailed prairie dog towns per quadrant and total (Table 2) and estimated number of prairie dog towns per quadrant and total (Table 3) are listed. Note that the estimates for total acreages and numbers are not simple sums of the four quadrant acreages or numbers estimates because of the stratified weighting, N_h/N .

Table 2: Estimates of acreage of western Kansas covered by prairie dog towns by quadrant.

quadrant	acreage of quadrant	estimated acreage covered by prairie dog towns	standard error of estimated acreage	ratio of std. error to estimated acreage	90% confidence limits
northeast	8,177,280	5,741	1,636	.29	(3,050; 8,431)
northwest	7,048,320	59,615	10,798	.18	(41,852; 77,378)
southeast	8,467,840	15,420	2,625	.17	(11,102; 19,738)
southwest	8,040,320	45,637	9,447	.21	(30,096; 61,178)
TOTAL	31,733,760	130,521	17,073		(102,436; 158,606)

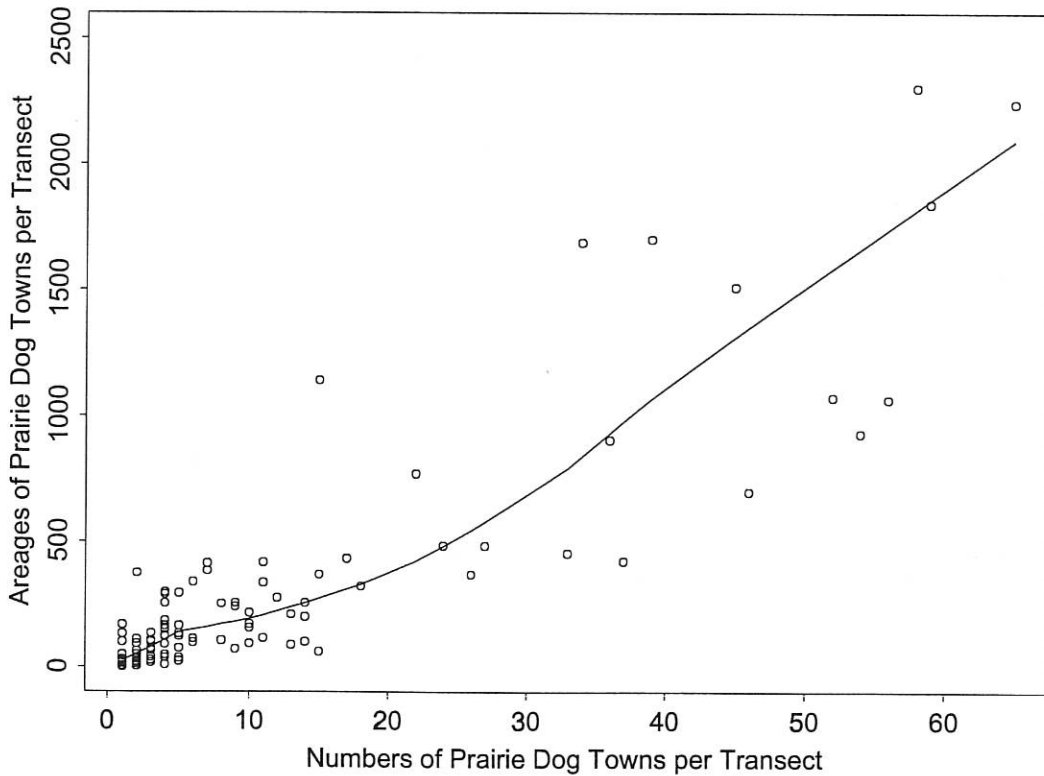
Table 3: Estimates of the number of prairie dog towns in western Kansas by quadrant.

quadrant	acreage of quadrant	estimated number of prairie dog towns	standard error of estimated number	ratio of std. error to estimated number	90% confidence limits
northeast	8,177,280	360	49	.14	(281; 440)
northwest	7,048,320	2,819	325	.12	(2,285; 3,353)
southeast	8,467,840	425	59	.14	(328; 522)
southwest	8,040,320	1,182	233	.20	(799; 1,564)
TOTAL	31,733,760	4,887	476		(4,104; 5,670)

2. ASSOCIATION BETWEEN TRANSECT ACREAGES AND NUMBERS OF PRAIRIE DOG TOWNS

Figure 1 displays the data relationship between the numbers and observed acreages of black-tailed prairie dog towns per transect. A trend line (lowess smoother) indicates an association trend between numbers and acreages. Although one would probably assume that as the numbers of towns increase so would acreages, the plot indicates that this increase can reasonably be described as approximately linear. Spearman's correlation coefficient for the association of the numbers and acreages of towns is .82, with a corresponding p-value < .001 for the null hypothesis that the actual correlation is less than or equal to zero (ie., the one-tail alternative hypothesis is that the actual correlation is greater than zero).

Figure 1: Scatterplot of acreages and numbers of prairie dog towns per transect.

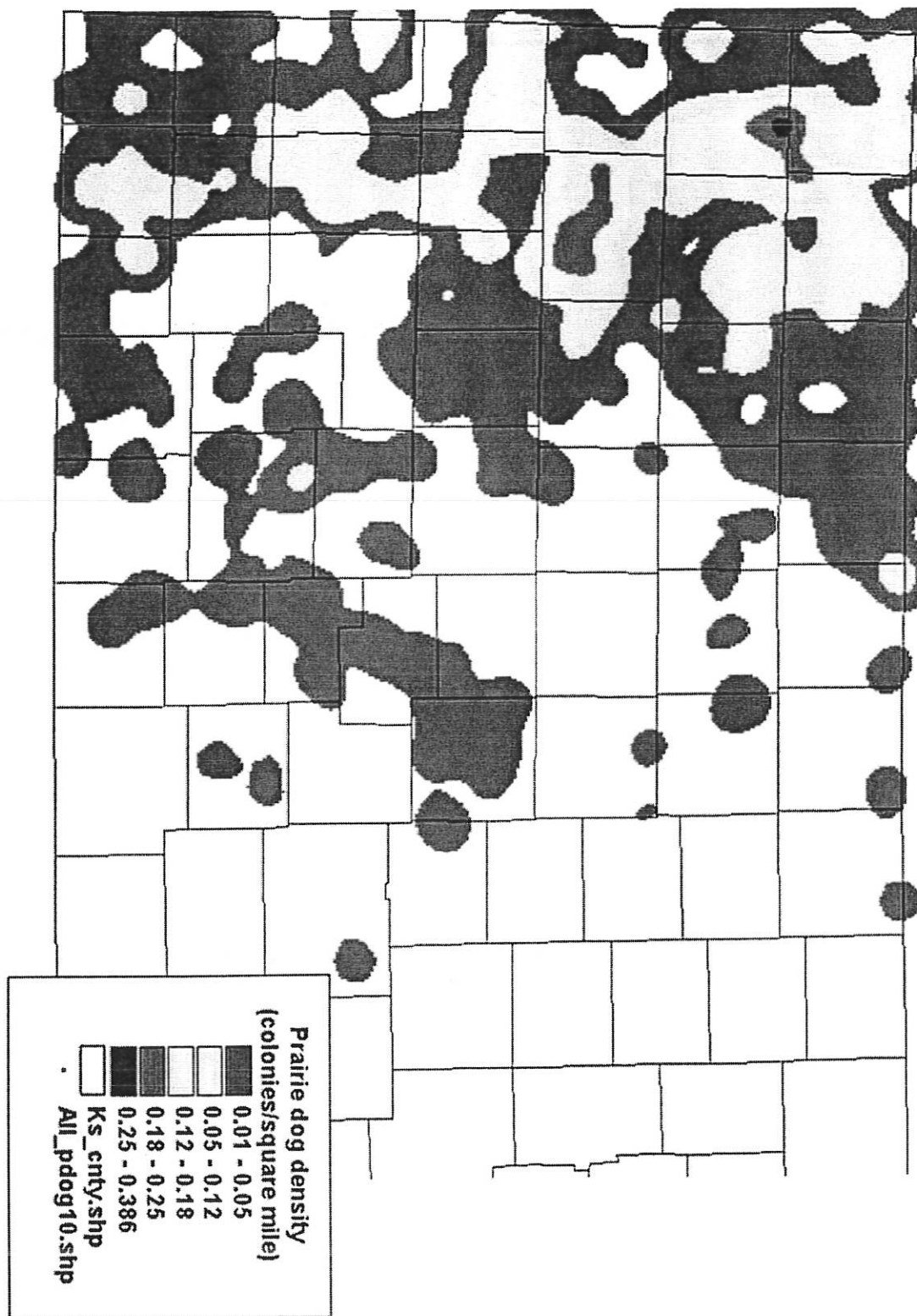


3. REFERENCES

- Shah, B. V., Barnwell, B. B., and Bieler, G. S. 1996. SUDAAN User's Manual, Release 7.0. Research Triangle Park.
- Sidle, J. G., Johnson, D. H., and Euliss, B. R. Estimated areal extent of black-tailed prairie dog colonies in the northern great plains. Draft Report.
- Thompson, S. K. 1992. Sampling. John Wiley & Sons.

APPENDIX IV

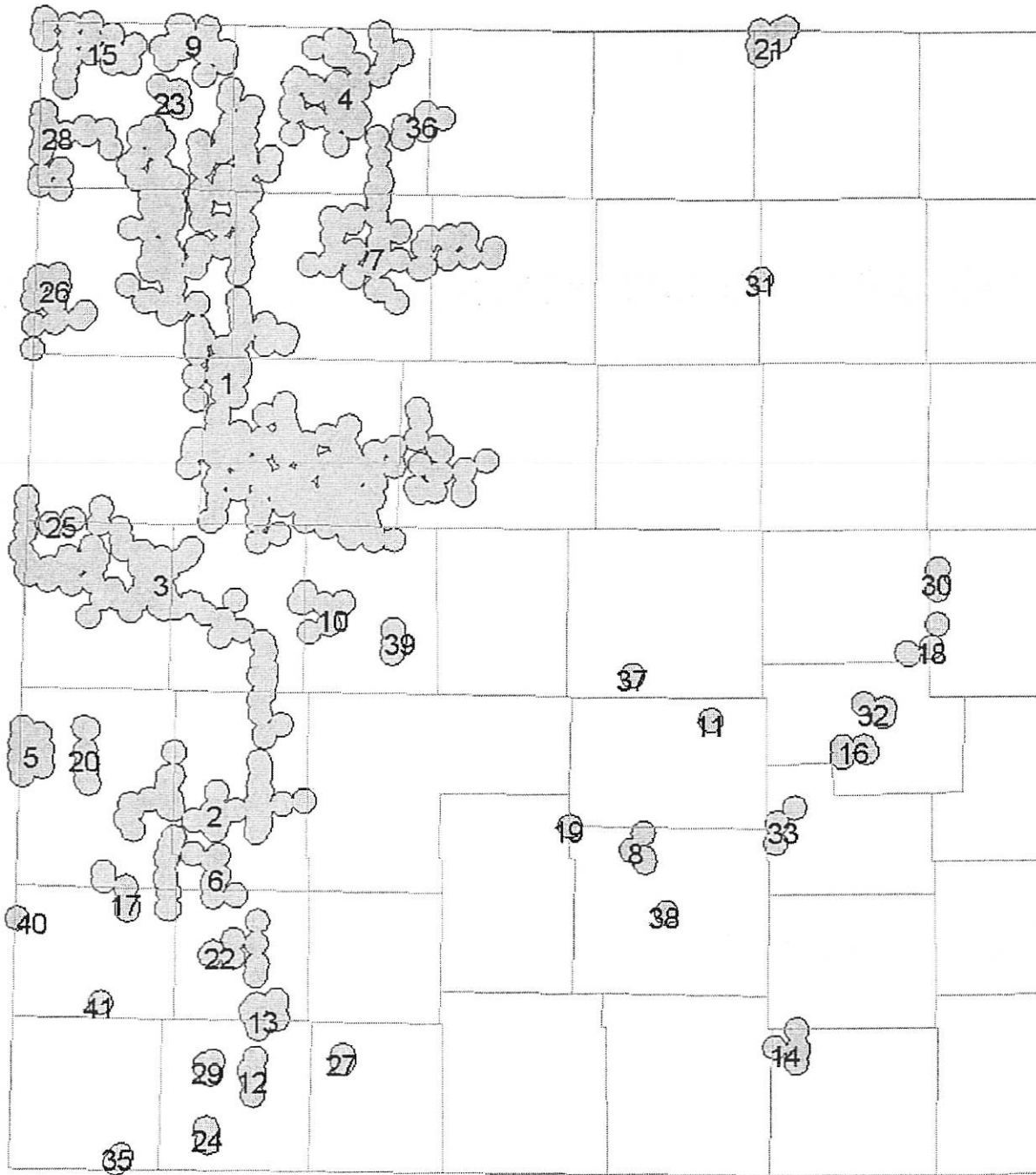
Prairie Dog Density



APPENDIX V

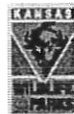
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Prairie Dog Complexes and Associated Colony Area



This graphic and associated table relate the total area of prairie dog colonies contained within each complex. For clarity, only the forty largest are shown in yellow. Colony areas should be regarded as a minimum area occupied because acreage estimates were obtained from transect lines four mile apart, and therefore do not represent complete coverage of the area.

KARS
Kansas Applied Remote Sensing



<u>Complex Number</u>	<u>Acres of Pdog Colonies in Complex</u>
1	8697
2	2726
3	2039
4	1106
5	1044
6	988
7	747
8	478
9	431
10	413
11	355
12	323
13	282
14	270
15	260
16	230
17	210
18	205
19	200
20	198
21	196
22	196
23	179
24	175
25	174
26	169
27	165
28	155
29	155
30	151
31	147
32	145
33	142
34	140
35	140
36	136
37	135
38	132
39	130
40	130



By William Perry
Pendley
President and Chief
Legal Officer
Mountain States Legal
Foundation

The prairie dogs that weren't there

have, mysteriously, gone away.

In January 1995, Drake bought property in nearby Enoch, Utah, intending to develop a subdivision containing affordable, single-family homes. Later that year, aware that land in the area contained prairie dogs protected by the ESA, Drake sought to verify his belief that there were no prairie dogs on his property. Using a Utah Division of Wildlife map, Drake learned of a prairie dog colony to the west, although the map showed that no prairie dogs were there in 1992, 1993, and 1994. Just to be sure, Drake hired an engineer to determine the precise relationship between his property and the colony; it was then clear that no part of the colony was on Drake's land. Thereupon, he recorded a subdivision with Iron

County.

On October 2, 1995, state and federal wildlife employees received an "anonymous tip" that prairie dogs were on Drake's land. They visited the area and - though they did not have a map of Drake's subdivision and were admittedly unaware of its exact boundaries, which were difficult to determine because of the absence of landmarks - said they observed between 74 and 78 prairie dogs on Drake's land. Amazingly, only 2 were filmed, because the FWS employee had "a new camera. It was the first time I used it!"

The next day both bureaucrats physically entered upon Drake's property, but they saw no prairie dogs and no prairie dog mounds or holes, either active or inactive. Nonetheless, that day they notified Drake that prairie

dogs were on his land and that he could be fined \$200,000 and imprisoned for a year.

The next day the FWS employee revisited Drake's property; again he saw no prairie dogs. Over the next six months, Drake beseeched FWS employees to visit his property to learn what he knew: there were no prairie dogs there. From October 11, 1995, until March 26, 1996, FWS employees made numerous visits to Drake's property. At no time did they see prairie dogs or active prairie dog mounds or holes upon his property. Drake's expert did find "an old inactive prairie dog colony" on the northern corner of Drake's land, but it had long been abandoned. Unsurprisingly, prairie dogs were observed west of Drake's land in the known

colony. There was one exception: the original FWS employee said that on March 17, 1996, he alone saw two prairie dogs on Drake's land; again, he was unable to film them!

Two years later, when Drake was fined \$15,000 for violating the ESA by "harming" prairie dogs by disturbing their habitat, he asked for a hearing before an administrative law judge (ALJ). Because the US Supreme Court limits "harm" violations "to significant habitat modifications that actually cause death or injury, as opposed to hypothetical or speculative death or injury," Drake demanded evidence of "death or injury." None was produced; even the ALJ admitted, "There is no direct evidence of mortality or injury resulting from [Drake's] activi-

ties." Instead, the FWS relied on its employees' testimony that the elusive prairie dogs - whose presence on Drake's land was never filmed and whose habitat there was never found - had disappeared. They must be dead, killed by Drake's actions.

Remarkably, the ALJ upheld Drake's fine because these were federal employees who had no reason to lie and must, therefore, be believed. Drake appealed the decision.

As Will Rogers once said, "I don't tell jokes; I just report the news."

Editor's note: Questions may be directed to Mountain States Legal Foundation, 707 - 17th Street, #3030, Denver, CO 80202-3408; phone 303-292-2021; fax 303-292-1980.

Black-tailed Prairie Dogs

Journey Through (ne

Attachment 4
StinC

July 1998

The National Wildlife Federation petitions the federal government to list the black-tailed prairie dog as threatened under the Endangered Species Act.

November 1998

NWF and Turner original pictures airs the show *Underdogs: Prairie Dogs Under Attack*.

May 1999

Responding to a formal request from the National Wildlife Federation, the U.S. Forest Service prohibits poisoning of black-tailed prairie dogs on all public lands administered by the U.S. Forest Service, except for a few rare instances.

November 1999

In response to NWF's petition, the states in the historic range of the black-tailed prairie dog release a strategic framework voluntarily committing each state to develop a management plan for the species, and formalize the development of an interstate Black-tailed Prairie Dog Conservation Team.

November 1999 to present

NWF works with the individual states, tribal governments and the interstate Black-Tailed Prairie Dog Conservation Team on the development of state and tribal prairie dog management plans.

February 2000

U.S. Fish and Wildlife Service's (USFWS) agrees with NWF's petition and announces that the black-tailed prairie dog warrants listing as threatened under the Endangered Species Act, but is precluded from being listed at this time due to other higher priority concerns in the region and resource constraints.

February 2000

NWF sends letters to each state within the historic range of the black-tailed prairie dog spelling out critical components that must be incorporated in state prairie dog management plans.

June 2000

The Bureau of Land Management, in response to pressure from NWF, issues a directive that prohibits the poisoning of black-tailed prairie dogs on BLM managed lands.

April 2001

NWF releases its policy platform for the 2002 Farm Bill, including calling for the establishment of a Grasslands Reserve Program to help private landowners conserve habitat for prairie dogs and other grasslands species.

June 2001

NWF in conjunction with agricultural interests and tribal leaders visits policymakers in Washington, DC to promote the establishment of federal incentives to encourage landowners and tribal governments to voluntarily allow the expansion of black-tailed prairie dogs on their land.

September 2001

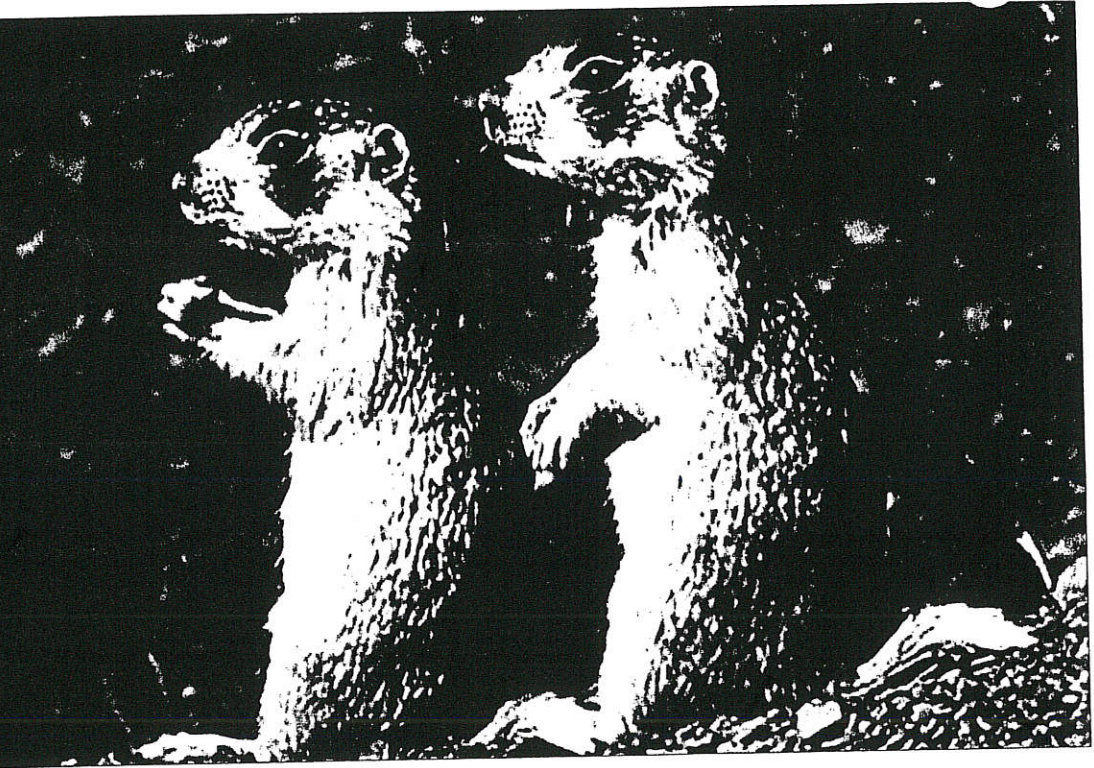
NWF releases the report *The American Prairie: Going, Going, Gone* detailing the decline in black-tailed prairie dog and other prairie wildlife populations.

March 2002

The Interstate Black-Tailed Prairie Dog Conservation Team releases a draft framework for prairie dog management plans. NWF responds with suggestions on improving the framework.

11-40

Saving Prairie Dogs ... to Kill Them



BY WILLIAM PERRY PENDLEY

Phillips County, in north-central Montana along the Canadian border—an area once described as “an almost mythical place, a world of savage blizzards and withering droughts in a geography too vast to comprehend”—contains miles of sparse scrub grass, low native plants, gravel, and rocks. Hostile and forbidding, bitterly cold in the winter and aridly hot in the summer, it is home to mountain lions, coyotes, rattlesnakes, antelope, deer, and black-tailed prairie dogs. The few people, 0.9 per square mile, are easily outnumbered by the prairie dogs.

Gary Marbut and Dr. Philip Barney, with fellow Montanans, formed a club to promote firearm safety and engage in an activity as old as mankind's first encounter with the land of Phillips County: hunting. That land is primarily federal land, managed by the Bureau of Land Management (BLM) of the U.S. Department of the Interior. Since its creation, the Interior Department has kept the land open to the shooting of unregulated wildlife, such as prairie dogs, one of the few recreational activities in this desolate region.

The Federal Land Policy and Management Act

requires the BLM to develop plans to control the manner in which these lands are managed. The Act requires the public be actively involved in the development of such management plans.

In 1994, the BLM developed such a plan, called “the Judith Valley Phillips Resource Management Plan,” or “JVP RMP,” for the 2.8 million acres under BLM control in Phillips, Fergus, Petroleum, Judith Basin, Valley, and southern Chouteau Counties. A portion of the 2.8 million acres covered by the JVP RMP lies within Phillips County, which contains 20,000 acres of land referred to as the “40 Complex.” Under the JVP RMP, approved by the BLM in 1994 after extensive public participation, Marbut, Barney, and their fellow Montanans may use the public lands of the 40 Complex for hiking, camping, hunting, and the recreational shooting of unregulated wildlife.

Meanwhile, the U.S. Fish and Wildlife Service (FWS) decided to introduce a minimum of 20 sur-

plus black-footed ferrets in 1994, and annually thereafter for two to four years, into north-central Montana, including the 40 Complex. The FWS also announced the ferrets would continue to be protected under the Endangered Species Act (ESA).

A short time later, without notice or opportunity for public comment, the BLM closed the public lands in the 40 Complex to the “discharge or use of firearms,” to “protect habitat for the reintroduction of the black-footed ferrets.” Violations of the Closure Order result in “a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months.”

“The natural extension of this interpretation of the ESA is mind boggling: Any plant or animal could be placed off-limits under the ESA because it is used, as food or shelter, by a plant or animal protected by the ESA!”

Since issuance of the Closure Order, Marbut, Barney, and their fellow Montanans have been denied the right to engage in an activity allowed by the JVP RMP: the recreational shooting of unregulated wildlife.

The federal government is not seeking to protect the prairie dogs because they are listed

under the ESA; they are not. Nor is the federal government seeking to prevent the shooting of fer-

rets, which are protected by the ESA; there is no danger of that.

What the government is seeking is to save prairie dogs so the ferrets can invade their homes and eat them. As the FWS put it, “[t]he prairie dog colony provides prey base and habitat for the survival of the ferrets. ... Black-footed ferrets depend almost exclusively on prairie dogs and prairie dog towns for food and shelter. ...”

The natural extension of this interpretation of the ESA is mind boggling: Any plant or animal could be placed off-limits under the ESA because it is used, as food or shelter, by a plant or animal protected by the ESA!

Marbut, Barney, and their fellow Montanans understand the dangers posed by the federal government's precedent-setting and illegal actions in Phillips County. But with the lawsuit they filed against the government, they have a limited objective. They simply want the government to obey the law so that, “in a geography too vast to comprehend,” they can go hunting again.

William Perry Pendley is president and chief legal officer of the Mountain States Legal Foundation.

Attachment 5

Stan Clark

Sen. Stan Clark

From: Senator Stan Clark [sclark@ink.org]
Sent: Thursday, November 21, 2002 2:41 PM
To: Stones, Harold (Roberts)
Subject: s. 990

Harold- Here are the following details that were in this bill.
Stan

S. 990 - The "Son of CARA" - a version of CARA - the Condemnation and Relocation Act - is on the fast track and moving through Congress! This discredited land grab bill had not moved for eleven months, until the dark of nite in the wee hours of Friday morning.

ONCE AGAIN, selected members of Congress have moved legislation - S. 990 - in the dead of night that will

- 1) make the Endangered Species Act EVEN WORSE,
- 2) permit SEIZURE of private property, and
- 3) hand out cash to environmental extremists and animal rights outfits!!!

Oh yes, and 4) it hands out up to \$25 million to foreign countries for land acquisition. We couldn't make this up, folks!

You may recall at the end of 2001, just four days before Christmas, the Senate approved S. 990 - the "Son of CARA" land grab bill. It was 11:45pm, with only three Senators present, NO debate, NO hearings, NO vote - just "unanimous consent" on their last night in session for the year, after nearly all Senators had left the Capitol.

THEY DID IT AGAIN !!!

This time it was the House of Representatives. It was the last day the House was in session for the year, November 15, 2:35am!!!! That's right, two thirty-five in the morning!!!!!!

Nearly all congressmen had gone home, NO debate, NO hearings, NO vote, just "unanimous consent" and a BILLION dollar enviro pork barrel land grabbing disaster - S. 990, the "Son of CARA" - was approved.

HOWEVER - the Senate last year, and the House this year, approved DIFFERENT versions of S. 990.

The House is now out of session for the rest of 2002. However, the Senate is in session for one more week, from November 18 to 21.

*** The Senate must vote on what the House just passed in order to give final congressional approval to S. 990. ***

***** ACTION ITEM BELOW !!! *****

***** TELL YOUR SENATOR ***** NO on S. 990 *****

WHY?? WHY?? WHY??

WHY are REPUBLICAN Senator Bob Smith of New Hampshire and REPUBLICAN Congressman Jim Hansen of Utah joining together and attempting to push this disaster through at the last minute??

ANSWER: BOTH are leaving Congress this year, and BOTH are in "Legacy Mode." BOTH have buried provisions in S. 990 to give a name for themselves, at the expense of private property and fiscal responsibility.

HERE is the item snuck in for New Hampshire by Senator Bob Smith. Page 19, "Grants to the State of New Hampshire." A NINE million dollar payoff handed over to the Trust for Public Land, to buy property that will only cost SEVEN million dollars!!! A two million dollar profit for a "non-profit" land trust!!!!!!!

UTAH: Jim Hansen is attempting to blow a total of THIRTEEN million dollars of taxpayer funds to glorify himself! On page 49 is two million dollars for the James V. Hansen Shoshone Trail. On page 52 is eleven million dollars for the Bear River Visitor Center to be named after

-
you guessed it - James V. Hansen!!!!!!!

This self glorification is bad enough. But here are the FOUR problems for everyone in the entire country with S. 990:

FIRST: It will make the Endangered Species Act EVEN WORSE by adding a new category called "species at risk" in addition to the current "threatened species" and "endangered species." It hands out up to \$150 million per year to "environmental organizations," with no prohibition on animal rights outfits receiving funds, to enforce this new category.

SECOND: It hands out \$50 million per year to states for "cooperative conservation" plans that include "property acquisition" with no prohibition on condemnation power.

THIRD: hands out up to \$50 million per year for "shrubland and grassland" conservation, with "environmental organizations" again eligible to feed at the taxpayer trough. EVEN WORSE - grass and shrubs are defined as, well, grass and shrubs - AND - areas "historically dominated" by grass and shrubs - AND - areas that "if restored to natural grassland or shrubland, would have the potential to serve as habitat for endangered species, threatened species, or species at risk." In other words, just about every inch of America outside the Mojave Desert!!!!!!!!!!!!

*** ACTION ITEM *** ACTION ITEM *** ACTION ITEM ***

You must call AND Fax both your Senators so their offices are deluged with messages beginning Monday morning. This is not a time you can depend on someone else. YOU must do it.

Tell your Senator to put a hold on S 990. Ask his staff person for a commitment that his or her boss

Attachment 6 Stan Clark

11-44



Vol. 35 No. 21
Billings, Montana
January 17, 2003

AGRI NEWS

THE BEST in the

2003 — 2

AGRI-NEWS, JANUARY

THEN & NOW

by PATRICK K. GOGGINS

“Land piranhas and wildlife terrorists...” “Gestapo bureaucracy...”

Boy, oh boy, some new terms are showing up from folks involved with the new regime in Washington DC. Ron Gillet of Stanley, Idaho, has labeled the wolves as “land piranhas and wildlife terrorists,” and he says we’ve got to see these wolves gone. Once you put them there, he says, they kill everything that moves. Gillet is a hunting guide from Stanley, Idaho, and he maintains that the wolves introduced into Idaho, Montana, and Wyoming are exploding in numbers. From just a few to start with, the wolf population in those three states is now well over 700 known individuals.

Meanwhile, the new chairman of the Senate Environment Committee is Oklahoma Republican James Inhofe, and it’s reported that this change in the Senate Environment & Public Works Committee will give a new direction for that committee, which has been dominated by Eastern liberals for many years. The one most prominent and notable was James Jeffords (I-VT), who is the same fellow that jolted the Republican Party and the US Senate not too long ago by giving the Democrats the Senate majority when he left the Republican Party and went Independent. Senator James Inhofe is a conservative who doesn’t mind telling people

that he labeled the Environmental Protection Agency a “Gestapo bureaucracy.”

In the last number of years, we’ve been handcuffed out here in the West by a great many of the people heading up that particular environment committee that has done great harm - not only to cattlemen and sheepmen, the mining industry, and the timber industry, but also the hunters, who are alarmed by the amount of wild game that has been annihilated in some areas by these packs of wolves.

Not only has the wolf problem been a great economic handcuff on our independent industries of agriculture, timber, and mining, but also with the introduction of many of these so-called endangered species, it has raised havoc with free enterprise. In fact, it has raised havoc with our American dream - that dream being freedom.

Look what’s happened to the sheep industry in the United States. Many of the sheepmen have been forced to sell because of the wolves, coyotes, and other predators. Add that to the fact they were run off the federal rangelands because of the environmentalists pulling the strings. Consider that today imported lamb from New Zealand and Australia equals 80% of domestic production here in the US. Because of the shortage, these lambs are seeing the best market they’ve seen in many years. These top light lambs brought up to \$120 per cwt in Billings, Mont., on January 13 with 100-pound lambs bringing right at \$1 and some over that. At least it has given those left in the sheep business a little encouragement, but the fact remains that the predator trouble and being run off federal ranges has really been costly for so many ranchers and farmers who raise sheep. For us to import as much lamb as we are and putting ranchers and farmers out of business doesn’t seem to be very smart for the American scene.

Think of the fires that the West has had the last few years - disastrous and uncontrollable fires. Much of the blame can be laid right at the feet of the environmentalists who didn’t want anything done to contain these same fires.

And now the US Fish & Wildlife Service is wanting to list the pygmy owl on the endangered species list. This little owl has a wingspan of six inches and, according to the environmentalists, needs an awful lot of room to spread its wings. US Fish & Wildlife is attempting to designate 1.2 million acres of public and private lands in Arizona to accommodate 18 of these little owls. That’s how many they know is in that area. This would give each one of these little rascals about 66,000 acres to call his own.

I sure hope, as 2003 unfolds, that we’ll see some common sense move back into the Washington DC bureaucracy. I hope these folks will see things different, mainly realistically.

I think that President Bush is doing a pretty good job in his appointments to some of these various committees and agencies, and now, if he can fulfill the last two big steps that need to happen, we’ll be in pretty good shape. Yes, I’m talking about the US Supreme Court and the appointment of justices to that court that are more in step with the freedoms guaranteed Americans under our Constitution. And last but not least are the federal judgeship appointments in the various districts across America - oh how important they are. If that happens, we’re going to see a great change in the next few years in America. We’re going to get some realism; we’re going to get some change and maturity. Behind that, we will note great strides forward in our total freedoms here in America. I’m encouraged that at least we could see some change to appointing people with common sense once again.



Vol. 35 No. 21
Billings, Montana
January 17, 2003

AGRI NEWS

THE BEST in the West

Hope reborn... Pombo named Chairman of House Committee on Resources

By Leesa Kiewel

A California Republican, well known for his strong advocacy of property rights and common sense access to federal lands, has been named to chair the House Committee on Resources. Rep. Richard Pombo, 42, takes over the post from Rep. Jim Hansen (R-UT), who retired at the end of the last session.

Private property rights advocates are jubilant at Pombo's appointment to chair the committee that holds jurisdiction over a wide range of issues including private property rights and use of public lands. The Resources Committee also oversees agencies within the Interior Department, the Endangered Species Act, water, timber, mining, and fisheries management. The House Resources committee is responsible for the oversight of 700 million acres of public lands, including national parks and forests, energy development, and federal waterways. It also oversees American Indian issues.

Pombo - a California cattle rancher who has championed the fight to rewrite laws protecting endangered species - said, "As the incoming chairman, I will work with all of my colleagues on the Resources Committee to enact legislation of which we can all be proud. There are too many areas of agreement for us to get bogged down in partisan battles."

In discussions with the House Republican Steering Committee, which selected him for the post, Pombo stressed his expertise on resource issues, willingness to reach across party lines to find common-sense solutions, and an unparalleled record of visiting congressional districts throughout the country to learn more about local resource issues.

Pombo, first elected in 1992 to represent the people of California's rural San Joaquin Valley in Congress, is one of the youngest congressmen to be appointed to chairmanship of such an influential committee. Known for his trademark cowboy hat and boots, Pombo beat more senior members for the job with the help of House Majority Leader Tom DeLay (R-TX).

During his terms in the House, Pombo has sparred with environmentalists over issues, fought to protect property rights and water rights from governmental encroachment, sponsored legislation to repeal pesticide regulations, and tried to overhaul the Endangered Species Act, which he has said is "out of control."

G.B. Oliver, Executive Director of the Paragon Foundation, hailed Pombo's appointment, saying: "Federal agencies have just overrun people on their private property and everything else. There had to be some relief out there or the West was going to erupt, and maybe he's that relief."

Pombo runs his family's beef and dairy ranching operation in California's Central Valley. He served two years as a city councilman before running for Congress on a platform of property rights. He has been chairman of the House Agriculture's Livestock & Horticulture subcommittee and is the leading House recipient of contributions from the dairy industry and fruit and vegetable growers, according to the Center for Responsive Politics.

With DeLay's support, Pombo leapfrogged ahead of more senior members.

Environmental groups like EarthJustice and the League of Conservation Voters say they are troubled by Pombo's appointment. "It's a position that has extraordinary responsibility, and Richard Pombo has consistently been one of the most

anti-environmental voices in Congress," said Susan Holmes of EarthJustice. "He's been consistently at the bottom of the barrel in terms of voting."

Joseph Farah, editor of World Net Daily, says Pombo's appointment is good news. "Usually I have nothing but bad news to report out of Washington," said Farah. "But the news that Richard Pombo has been named chairman of the House Resources Committee is great news for those of us who still understand how foundational property rights are to every other freedom we enjoy in America. This is why Pombo, a rancher, went to Washington in the first place, and he has been working to protect the property rights of all Americans ever since," he said. Farah and Pombo co-authored the book "This Land is Our Land."

"Richard Pombo is straight from the grass roots," said Chuck Cushman of the American Land Rights Association. "He has been there for us time and time again in Congress, from adding common sense to the Endangered Species Act to stopping attempted land grab legislation to promoting multiple use of federal lands. With Richard Pombo as chairman, everyone will be heard from, and the grass roots will have a seat at the table."

Since 1997, the American Land Rights Association's League of Private Property Voters has posted its congressional vote index, a scorecard showing how every senator and representative voted on from eight to twelve key bills involving property rights, land use, and environmental matters. Of


the seven contenders for the committee chairmanship, Pombo is the only one to score a perfect 100%.

Long-time property rights activist Carol LaGrasse - president of Property Rights Foundation of America in Stony Creek, New York - said, "Rep. Pombo has proven his awareness of issues that property owners face across the country, East and West. He has stood up for farmers in the Midwest, forest owners in the Northeast, and ranchers in the West."



Pombo also heads the Western Caucus, a group of 55 members of Congress who work to create a unified voice on environmental issues.

Attachment - 8 Stan Clark

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 LEAGUE OF CONSERVATION VOTERS

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Pombo Chosen to Head Resources Committee

Mike Soraghan, *Denver Post*
January 10, 2003

WASHINGTON - House Republican leaders chose Rep. Richard Pombo, a California rancher and committed foe of the Endangered Species Act, to oversee public lands and environmental protection in the West as chairman of the House Resources Committee. The selection of Pombo, a champion of property rights and Wise Use groups, was hailed by industry leaders, off-road vehicle enthusiasts and property-rights activists. Wise Use groups advocate development rather than preservation of federal lands.

[Environmentalists] didn't expect an ally to head the committee but said they're now facing a particularly able adversary. And, they said, his selection belies Republican efforts to cast themselves as moderates on environmental issues. "He doesn't believe there is another side," said Scott Stoermer, spokesman for the League of Conservation Voters. "I don't believe he takes his positions based on political calculations. He firmly believes they're the right position."

The Resources Committee oversees hundreds of millions of acres of public lands in the West. It also oversees the Interior Department, Forest Service and environmental laws like the Endangered Species Act. Pombo has a low lifetime rating of 8 out of 100 from the League of Conservation Voters, while the League of Private Property Voters has named him a "champion." While in Congress, Pombo has traveled across the country holding hearings on what he considers the excesses of the Endangered Species Act and even advocated for continued hunting of elephants in Africa for their ivory tusks. His selection by a 28-member Republican steering committee ends a bitter intraparty feud between seven lawmakers. Duncan, who once compared an environmental campaign to Nazi propaganda, was considered a more moderate consensus candidate.

[Excerpt]

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1920 L Street, NW, Suite 800, Washington, DC 20036,
202-785-8683

11-46

From: John D'Aloia [sawsee@oct.net]
 Sent: Saturday, January 19, 2002 2:16 PM
 To: Ed Pugh; Dave Pflum; Vern Osborne; Tom Doperalski; Tim Huelskamp; Stan Clark; Senator Robert Tyson; Richard Carlson; Orville Cole; Larry Fischer; Kevin J. Crane; Ken Baldry; Jim Suber; George Peterson; Dan Harden; Dale E. Anderson; Carmela Sibley; Bruce McCarroll; Bob McColl; Bob Burton; Barbara Kolde; Barbara Jones
 Subject: Fw: Reps. Pombo, Peterson Fight Enviro Scams!

An OP-ED written by two U.S. Representatives investigating enviro-scams run by The Clerks to increase their power and control, forwarded courtesy of

> American Land Rights Association - Land Rights Network
 > PO Box 400 - Battle Ground WA 98604
 > Phone: 360-687-3087 - Fax: 360-687-2973 - Email: <alra@landrights.org>
 > - http://www.landrights.org Legislative Office: 508 First St SE -
 > Washington DC 20003
 > Phone: 202-210-2357 - Fax: 202-543-7126 - Email: landrightsnet@aol.com

> JDA

> ++++++

LYNX HOAX DEBACLE

> By Richard W. Pombo and John E. Peterson

> The Washington Times, January 7, 2002

> As Americans, we should have been astounded by the recent findings

> that federal officials intentionally planted hair from the threatened Canadian lynx in our national forests in order to impose sweeping land management regulations. We should have been shocked at the audacity of government employees to falsify evidence in order to advance their environmental agenda, and even more perplexed at the lackluster response from their respective agencies when the transgressions were brought to light.

> But in truth, many of us who come from rural America have grown accustomed to environmental activism prevailing over the rule of law and over the best interests of families and communities. Time and time again, we have witnessed the federal government run roughshod because the Washington elite thought they knew better than the regular folks who tilled the soil, ran the cattle, or enjoyed their favorite campsite or trail. And, if a faulty study or falsified evidence has been necessary in order to enact radical environmental policies, government bureaucrats have had a green light for the past eight years because of the ends-justifies-the-means rationalization that became common practice during the Clinton administration.

> This latest revelation, that officials from the U.S. Forest Service,

> the U.S. Fish and Wildlife Service and the Washington Department of Fish and Wildlife planted false evidence of a Canadian Lynx on three occasions in our national forests, received a typical response from the agencies. Instead of terminating the employees, the individuals were given counseling and placed right back on the job to carry on with their environmental activism.

> This lackadaisical approach to willful, unethical conduct is unacceptable, and we see no credible alternative other than to terminate the parties if there is convincing evidence that they knowingly and willingly planted unauthorized samples. But more importantly, this pattern of disregard for rural America and the acceptance of this type of environmental activism in our government agencies must come to an end.

> It is this same disregard for rural America that caused federal

officials to go after Peggy Bargon for presenting then-first lady Hillary Clinton with an "dream catcher" which she made from various bird feathers. Because some of the feathers had fallen off of birds covered under federal wildlife protection laws, Ms. Bargon's gift cost her thousands of dollars in fines and legal fees. Yet, when federal officials exhibit blatant and willful disregard for the law, they receive a slap on the wrist and go back to work.

>
> Then there is the case of Donald Fife, a professional scientist specializing in environmental mining and engineering geology. He learned from a former U.S. Forest Service official that plants listed under the Endangered Species Act (ESA) had been secretly placed on his property in an attempt to close about 30,000 acres of the highest mineral valued land in Southern California.

>
> The list of government offenses against rural families and communities over the past eight years is endless. On numerous occasions, agencies bypassed Congress and the public process by having political appointees enact new "rules" to fit the agenda of Al Gore and the environmental movement. When public meetings were held to listen to the will of the people, Clinton officials were notorious for massaging the results to conform with their environmental agenda. Using shoddy science, government agencies have routinely added plants, animals and other species to the ESA list in order to seize land from local communities and landowners.

>
> It is high time that our federal agencies realize that their actions affect the livelihood of millions of citizens of rural America. The farmers, ranchers, small business owners and outdoorsmen who live in our districts must be able to work with federal land management agencies to protect our natural environment while still providing jobs and preserving their way of life. This is not possible in the face of willful corruption.

>
> This latest debacle may just provide the necessary impetus for Congress to take seriously this kind of fraud and environmental activism in our federal agencies. As we take on this colossal task, we hope the Bush administration will embrace this opportunity to work with Congress to re-establish the credibility of land-management agencies so that our national treasures and our rich culture we enjoy in rural America can be protected for generations to come.

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> * * * * *

Attache + 10
Stan Clark

Northern Colorado Annual

Prairie Dog Fishing Tournament

Pawnee National Grasslands



April 19, 2003

8:00AM - 4:00PM

Prairie Dog

Chili Cook Off

6:00 PM

Parish Park, Johnstown

Prizes for the Biggest and Most

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[Why Prairie Dog Fishing?](#)

[Recommended Equipment](#)

[How to fish for prairie dogs](#)

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Updated on Sunday, January 26, 2003

(2 New Links Olgoat's BBS and SC Ducks)

Now being discussed at over 20 sites

11-49



What is Prairie Dog Fishing?

The new sport of prairie dog fishing has taken the West by firestorm. Since there is no controlling legal authority prohibiting prairie dog fishing it is a perfectly fun legal way to enjoy some quality time with family and friends. No license is required!

Ranch hands and out door enthusiasts throughout the western states have secretly enjoyed prairie dog fishing for many years. It has its roots in the old days of fur trapping. After trappers set out their traps to gather beaver and fox pelts, they passed the time by snaring prairie dogs to hone their skills.

The popularity of this sport has been growing rapidly in the past five years. Ranchers throughout the west have been hosting these events on private property and have not been advertising for fear of reprisal from animal rights groups. The secret can no longer be kept because too many people know. It is time for prairie dog fishermen to come out of the closet and be proud of their secret sport.

Prairie dogs live in colonies generally known as towns. If left unchecked these towns can extend for several thousand miles and include several million animals.

There are several species in the west. The black-tailed and the white-tailed are the most popular. The Mexican and the Utah species are labeled as a threatened species, which protects them from being hunted, shot, trapped and poisoned. Although these particular species are not legally protected from being fished, we will, in the interest of cooperating with the Endangered Species Act take a catch and release approach whenever a Mexican or Utah species is caught.

The catch and release method will be humane in its nature. Large shipping containers will be available at the tournament site. These overnight express boxes will be labeled with the home addresses of individuals involved with the various animal rights groups concerned with saving the prairie dogs. These groups include Rocky Mountain Animal Defense (RMAD) and the Prairie Dog Coalition. Curious both of these organizations share the same street address in Boulder, Colorado. There will be containers labeled for the local PETA folks too.

After they are shipped, tournament officials will be waiting outside of the recipient's home with video cameras to ensure that the friendly, flea infested, disease carrying rodents are properly cared for by those who have pledged to save and care for them.

January 26, 2003

Senator Stan Clark
Kansas State Capitol Building
Room #4490N
Topeka, Kansas

Representative John Faber
Kansas State Capitol Building
Room #181-W
Topeka, Kansas

RE: HB 2027

Dear Senator Clark and Representative Faber:

As per my phone conversation with Ann at Senator Clark's office, I am faxing you the following news articles that were printed off from their respective Internet sites. I urge your attention to these issues of importance to Kansas landowners such as ourselves. We feel strongly the implementation of HB 2707 can take away landowners' rights, contrary to the intent as outlined in K.S.A. 80-1201.

The proposed amendment to K.S.A. 80-1202 says in part "Species of management concern may warrant protection at times". . . Who determines the protection that is warranted these animals? Will that be determined by organizations such as Center for Native Ecosystems, whose goal as stated on their website includes "the development of a management plan for the Northern Great Plains National Grasslands, tracking oil and gas development across the Thunder River Basin, and black-tailed prairie dog protection across the region"? (http://www.nativeecosystems.org/great_plains.htm)

Also, the proposed amendment in (1) outlines this management must be approved by the county in consultation with the Secretary of Wildlife & Parks. Requiring yet another governmental agency to oversee the management of prairie dogs in Kansas, we feel, is not necessary. Why fix something when it isn't broken? Please leave the authority of this matter with the local government, not another beaurocratic governmental agency.

Although this may seem like a benign, non-issue to most Kansans, this is a matter of grave importance to the landowners in our state. We feel it opens the door for litigation such as involved in the Klamath Lake incident, the fight to end logging because of supposed environmental concerns, etc. which uses the Endangered Species Act as its

House Agriculture Committee
January 29, 2003
Attachment 12

battle weapon. This is not to mention the potential health hazards to area residents because of exposure to Bubonic Plague inherent in prairie dog populations (as described in the attachment), decreased grazing land prices because of infestation, relocation of prairie dogs on private land, etc.

We urge your attention to this matter and kindly request you read the materials we've included in this letter. Thank you for your kind attention on our behalf.

Sincerely,

Perry & Paula Keller
St. Francis, Kansas
785-332-2209

encl.

pkeller@ruraltel.net



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The Plague Dogs

The Black Death Is Decimating Montana Prairie Dogs

A baby prairie dog, right, tries to get attention from its mother as they stand outside their hole in a field. An outbreak of bubonic plague is turning prairie dog towns into ghost towns on the Fort Belknap Indian Reservation. (David Zalubowski/AP Photo)

The Associated Press

FORT BELKNAP, Mont., Sept. 5 — An outbreak of bubonic plague is turning prairie dog towns into ghost towns on the Fort Belknap Indian Reservation.

"Right now, it's a serious wildlife health issue and it's something the public should be aware of," said John Grentsen, a wildlife biologist for the federal Bureau of Land Management.

Since the presence of the bacteria that causes the plague was confirmed on the reservation and in southern Phillips County last fall, about 3,600 acres of healthy prairie dog towns have died off, and more are being decimated each month.

Weeks ago, a 500-acre prairie dog town on the reservation was alive with thousands of barking, scurrying rodents. Now, there is hardly any sound or movement.

Environmental officials suspect the area is on the verge of a plague epidemic similar to the one that annihilated prairie dogs on nearly 21,000 acres in Phillips County in the mid-1990s.

The die-off is hurting endangered black-footed ferrets and rare mountain plovers. The ferrets, which are being reintroduced in Montana, feed on

TOOLS AND HELPERS

prairie dogs and live in their burrows. The plovers prefer to nest in the sparse vegetation provided by prairie dog towns.

People Advised to Stay Away

Bubonic plague is transmitted by fleas. The bacteria — *Yersinia pestis* — thrives in prairie dog fleas. Once infected, prairie dogs contract a form of plague and die within days, usually deep within their burrows.

Other animals known to carry the disease are deer mice, rats, badgers, coyotes, bobcats and antelope.

Health officials say plague outbreaks among prairie dogs in northcentral Montana is nothing new, but people are advised to keep themselves and their pets flea-free and away from plagued areas.

So far, the prairie dog towns infected in and near Phillips County are in very remote areas, miles from the nearest cities or tourist attractions.

Montana has had two human plague cases in the past decade, said Todd Damrow, state epidemiologist. One man died from the plague after getting the disease while skinning an infected bobcat; another man became ill, but later recovered, after field dressing an infected antelope.

Modern antibiotics are effective against plague, but treatment must begin promptly. Symptoms include swollen and tender lymph glands accompanied by fever, chills, headache and extreme exhaustion. ■

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YUMA GAZETTE

Wednesday, March 3, 1999

Volume 96 - Number 9

County Commissioners prohibit importation of prairie dogs

Yuma County Commissioners Dean Wingfield, Rowe Shively and Dave Thomas met for a regular meeting last Friday and following a hearing on Yuma County Ordinance 99-01, an ordinance prohibiting the importation of prairie dogs into Yuma County, gave approval for control and eradication of rodents, including prairie dogs.

With the County Commissioners approval it shall be unlawful, unless prior approval is received from the Yuma County Commissioners, for any person, firm, or entity to import prairie dogs into Yuma County, Colorado from any place outside of Yuma County, Colorado and to allow or causes an increase in the number or area occupied by present populations to the extent that such increases would jeopardize the property rights of any other land owners within the county, or to transport, translocate, or reintroduce prairie dogs within the boundaries of Yuma County.

Any person, firm, or entity convicted of a violation of Section 1 of this ordinance commits a Class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than Six Hundred Dollars (\$600) for each separate violation, as prescribed by CRS 30-15-402 (1).

The penalty assessment procedure provided in CRS 16-2-101 shall apply to any person convicted of a violation of the provisions of CRS 30-15-402 (2), authorizing a surcharge of Ten Dollars (\$10) to be imposed upon any person convicted of a violation of the within Ordinance, in addition to the fine above authorized, shall be mandatorily imposed upon any person convicted of a violation of the Ordinance.

Pursuant to the provisions of CRS 30-15-402.5 (1), any employee of the Yuma County Sheriff's Office, and employees of the Northeast Colorado Health Department, are hereby authorized to issue citations or summonses and complaints in the enforcement of the Ordinance.

Crowley Offroad

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White-Tailed Prairie Dog Protection

Printed from: Crowley Offroad**Topic URL:** http://www.crowley-offroad.com/Snitz/topic.asp?TOPIC_ID=1306**Printed on:** 01/27/2003

Topic:

Topic author: Crowdog**Subject:** White-Tailed Prairie Dog Protection**Posted on:** 01/26/2003 06:14:52 AM**Message:**

White-Tailed Prairie Dog Protection

PAONIA, Colorado, January 22, 2003 (ENS) - A coalition of six groups and author Terry Tempest Williams have petitioned the Bureau of Land Management (BLM) to designate key white-tailed prairie dog complexes as Areas of Critical Environmental Concern. The coalition says the protective designation that would aid the BLM in helping the beleaguered species to recover.

In a report released Tuesday, titled "Recovering the White-Tailed Prairie Dog and its Habitat: Management Needs," the coalition spells out the steps required of state and federal agencies to stem the precipitous decline of the prairie dog.

The white-tailed prairie dog is an essential part of the sagebrush ecosystem of central and western Wyoming, northwestern Colorado, northeastern Utah, and Montana's Carbon County. Endangered black-footed ferrets depend on prairie dogs for food, and on their burrows for shelter. Prairie dogs also provide food and crucial habitat to many other animals, including badgers, burrowing owls, and golden eagles.

"The Bureau of Land Management has the responsibility to protect prairie dogs, which are a keystone species for high desert ecosystems and therefore are critical to the survival of rare wildlife such as burrowing owls, black-footed ferrets, and ferruginous hawks," explained Erik Molvar, wildlife biologist for the Biodiversity Conservation Alliance. "Designating these colonies as Areas of Critical Environmental Concern would be a huge step in the right direction."

White-tailed prairie dogs are one of five prairie dog species in North America. Two of the species, the Utah and Mexican prairie dogs, are protected under the Endangered Species Act.

In 2000, the U.S. Fish and Wildlife Service (USFWS) determined that a third, the black-tailed prairie dog, also warranted Endangered Species Act protection. Because of ongoing declines and the refusal of state and federal agencies to take action, the conservation coalition petitioned the USFWS to list the white-tailed prairie dog as threatened or endangered in July 2002.

While white-tailed prairie dogs can be a common sight in the region, appearances are deceiving; white-tailed prairie dogs now occupy just eight percent or less of their historical territory. Sylvatic plague, a Eurasian disease introduced to North America around 1900, is now present throughout the range of the white-tailed prairie dog.

Prairie dogs are very susceptible to this exotic disease, and the white-tailed prairie dog has suffered large scale population declines as a result. Oil and gas drilling, suburban sprawl, and

Crowley Offroad

Page 2 of 2

conversion to agriculture have also devastated prairie dog habitat.

Most prairie dogs now live in small, isolated colonies that can be eradicated by plague outbreaks, poisoning, or recreational shooting.

"The white-tailed prairie dog has declined by at least 92 percent and is headed for extinction," Jacob Smith, executive director of the Center for Native Ecosystems. "In our report we've detailed what the agencies need to do to stem these declines."

Key recommendations of the report include:

- Designate the largest known prairie dog complexes, administered by the BLM, as Areas of Critical Environmental Concern.
- Protect white-tailed prairie dog colonies from oil and gas development activities.
- Prohibit prairie dog shooting.
- Prohibit poisoning of prairie dog colonies.
- Restrict motorized vehicles to designated routes in prairie dog habitat.
- Relocate prairie dogs on private land threatened with imminent destruction.

The report and BLM petition are available at: <http://www.nativeecosystems.org/press/020711.htm>

* * *

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