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To: Senate Natural Resources Committee  
Sen. Larry Powell, Chair

From: Aaron Popelka, Kansas Livestock Association

Re: SR 1711, A RESOLUTION opposing the black-footed ferret programmatic safe harbor agreement and environmental assessment.

Date: February 14, 2013

*The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,500 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.*

Thank you, Chairman Powell and members of the Committee, my name is Aaron Popelka and I am with the Kansas Livestock Association (KLA). KLA supports SR 1711 and believes it is necessary to send a message to the U.S. Fish and Wildlife Services (USFWS) that Kansas will not endorse a program that has proven to be detrimental to Kansas farmers and ranchers.

Under the safe harbor agreement the black-footed ferret, a federally endangered species, would be reintroduced on properties of voluntary participants across the species' believed historic range, which includes Kansas. The historic range of the black-footed ferret overlaps with suitable habitat supporting the prairie-dog, which is the ferret's primary prey. In order to successfully reintroduce the ferrets, it is necessary to allow prairie dogs to proliferate in large numbers on the land. Except for an experimental population reintroduced in Logan County in 2007, the black-footed ferret had not existed in Kansas for approximately 100 years.

KLA members have seen first-hand how destructive it is for prairie dogs to inhabit the land unrestrained. In Logan County, Kansas prairie dogs have been allowed to populate an area in an attempt to reintroduce the black-footed ferret. The consequences have been dire. It has been impossible to contain the prairie dogs to the land where the black-footed ferrets were released. This has resulted in damage to neighboring lands and has placed livestock at risk. The safe harbor agreement would allow the USFWS to expand this harmful experiment across a majority of the state.

In addition, the safe harbor agreement is insufficient to protect neighboring landowners and residents. The agreement is a contract between the landowner of the release site and the USFWS. Although the safe harbor agreement grants exemption from the Endangered Species Act for incidental killings of a black-footed ferret for the participating landowner, neighboring landowners, not a party to the safe harbor contract, would receive no such protection should the endangered ferret stray across property lines.

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The safe harbor agreement also needlessly places both the health and financial well-being of neighboring residents at risk. As indicated in the Resolution, the plague, which can be harbored by the ferrets and prairie dogs, is present in all 12 states where black-footed ferrets are proposed for reintroduction. This program is a major federal action that significantly impacts the human environment. In such an instance, federal law requires a federal agency to conduct and environmental impact statement (EIS). This process helps an agency identify and develop alternatives that might reduce the impact on the human environment. Despite the potential to increase incidence of plague and the economic damage caused by proliferation of prairie dog colonies, no EIS has been conducted by the USFWS.

Kansas recognizes the threat prairie dogs are to our citizens and has enacted legislation to provide counties the authority to eradicate prairie dogs. K.S.A. 80-1202 allows counties to enter upon the lands infested with prairie dogs and make diligent efforts to exterminate all of the prairie dogs thereon. The black-footed ferret program is in direct conflict with Kansas statutes that provide for the eradication of prairie dogs.

In addition to supporting this resolution, KLA is preparing written comments in opposition to the safe harbor agreement. The original deadline to provide comments was January 18, 2013, but the deadline has been extended to February 20, 2013.

KLA believes SR 1711 will send a strong message to the USFWS that Kansas opposes the safe harbor agreement. Thank you for the opportunity to submit testimony, and KLA urges the committee to pass Senate Resolution 1711.