

**Senate Resolution No. 1711**

By Committee on Federal and State Affairs

2-7

1 A RESOLUTION opposing the black-footed ferret programmatic safe  
2 harbor agreement and environmental assessment.

3  
4 WHEREAS, The United States fish and wildlife service reintroduced  
5 black-footed ferrets into Logan county, Kansas as part of a recovery effort  
6 in December 2007; and

7 WHEREAS, The reintroduction has been ~~expensive, unsuccessful and~~  
8 wrought with problems ranging from destructive prairie dog infestations to  
9 monetary losses for Kansas *adjacent* landowners; and

10 WHEREAS, The U.S. fish and wildlife service has drafted a black-  
11 footed ferret programmatic safe harbor agreement and an environmental  
12 assessment to encourage non-federal landowners to voluntarily allow  
13 reintroduction of black-footed ferrets on their properties; and

14 WHEREAS, The safe harbor agreement and environmental assessment  
15 is insufficient ~~and misleading~~. It was developed ~~rashly and~~ without  
16 adequate information; and

17 WHEREAS, No environmental impact statement was conducted  
18 despite the fact that it is required when major federal action significantly  
19 impacts the human environment; and

20 WHEREAS, The U.S. fish and wildlife service did not coordinate with  
21 county or local governments in the development of the safe harbor  
22 agreement; and

23 WHEREAS, The safe harbor agreement included no reference or  
24 discussion of conflicts with local government plans, even though Logan  
25 county has a plan opposing the ferret introduction; and

26 WHEREAS, The safe harbor agreement failed to ~~mention~~ *{adequately*  
27 *address}* the impact to non-enrolled, adjacent landowners in the present  
28 and the future, despite the fact that there is evidence that the introduction  
29 of black-footed ferrets in Logan county has detrimentally affected  
30 neighboring landowners; and

31 WHEREAS, There ~~has been a complete disregard for the~~ *{is a}* risk to  
32 the health and safety of Kansans because of plague outbreaks. The plague  
33 is now present in all 12 states where black-footed ferrets have been  
34 introduced; *and*

1       **WHEREAS, Limiting the size of the management zone to the size of**  
2 **the conservation zone is inconsistent with protection for adjacent**  
3 **landowners provided by the established larger sizes of a current buffer**  
4 **area at a current reintroduction site in Kansas; and**

5       **WHEREAS, The safe harbor agreement should include adequate**  
6 **safeguards, such as a binding written agreement, for non-participating**  
7 **landowners to have authorization for incidental take of black-footed**  
8 **ferrets:** Now, therefore,

9       *Be it resolved by the Senate of the State of Kansas:* That we have an  
10 obligation and responsibility to represent the interests of the people of this  
11 state and promote economic stability, encourage a sound environment and  
12 protect the health, safety and welfare of our citizens.

13       *Be it further resolved:* That we oppose the black-footed ferret  
14 programmatic safe harbor agreement and environmental assessment,  
15 request that the U.S. fish and wildlife service exclude Kansas from the  
16 territory contained in the safe harbor agreement and request that the U.S.  
17 fish and wildlife service refrain from further releases of black-footed  
18 ferrets in Kansas.

19       *Be it further resolved:* That should the U.S. fish and wildlife service  
20 move forward with the safe harbor agreement in Kansas against the wishes  
21 of the Senate of the State of Kansas, we strongly encourage the U.S. fish  
22 and wildlife service to use a formal rule-making process to stipulate  
23 protection of all private landowners in areas where releases of the black-  
24 footed ferret might occur, rather than utilize the informal safe harbor  
25 agreement.

26       *Be it further resolved:* That should the U.S. fish and wildlife service  
27 move forward with the safe harbor agreement in Kansas against the wishes  
28 of the Senate of the State of Kansas, we strongly encourage the U.S. fish  
29 and wildlife service to conduct an environmental impact statement before  
30 moving forward.

31       **{Be it further resolved: That should the U.S. fish and wildlife service**  
32 **move forward with the safe harbor agreement we strongly encourage the**  
33 **U.S. fish and wildlife service to hold meetings with experts in prairie dog**  
34 **habitat, management of the current reintroduction sites, adjacent**  
35 **landowners to those sites and representatives of local government in**  
36 **those areas.}**

37       *Be it further resolved:* That the Secretary of the Senate shall send an  
38 enrolled copy of this resolution to the administrator of the U.S. fish and  
39 wildlife service; the governors, state legislatures and congressional  
40 delegations of Arizona, Colorado, Montana, New Mexico, South Dakota,  
41 Utah and Wyoming; the Kansas congressional delegation; the U.S.  
42 secretary of agriculture; and the Kansas secretary of agriculture.