

**Statement by Ron Klataske,
Executive Director, Audubon of Kansas
House Agriculture Committee
Regarding House Bill 2669
February 18, 2020**

Chairman Highland and Honorable Members of the Committee, I thank you for the opportunity to share the perspective of Audubon of Kansas and its approximately 5,000 members and supporters statewide including those involved in eight local Audubon chapters. Audubon of Kansas is an independent membership organization devoted to promoting the enjoyment, understanding, protection and restoration of natural ecosystems. We seek to establish a culture of conservation and an environmental ethic. In this capacity we work in partnership with other organizations and individuals representing many additional thousands of conservation partners throughout the state and country.

We support our state wildlife agency's ability to maintain authority to provide effective wildlife management based on sound biological principles. KDWP's mission is ***"To conserve and enhance Kansas' natural heritage, its wildlife and its habitats to ensure future generations the benefits of the state's diverse living resources."*** In 1975 the Kansas Legislature enacted the Kansas Nongame and Endangered Species Conservation Act and it has proven to be an important part of the state's effort to try to provide balanced stewardship of our wildlife heritage. There are no significant flaws in the Act. If anything, the only flaw has been that the agency does not have sufficient available funds to support more proactive conservation initiatives for imperiled species.

As many people say, "If it isn't broke, don't fix it." There is nothing in the Kansas Nongame and Endangered Species Conservation Act itself that needs fixing, and there have not been any notable mistakes or excesses in the manner in which the Kansas Department of Wildlife, Parks and Tourism administers it. If they have erred, it has likely been more on the side of accommodation of development rather than conservation.

With conservation of our state's wildlife heritage in mind, Audubon of Kansas strongly opposes House Bill 2669. It is designed to eviscerate the Nongame and Endangered Species Conservation Act of 1975. The state needs more—not fewer—ways to work in partnership with all other stakeholders to protect the integrity of our state's wildlife heritage, critical habitats and ecosystems. Without early and effective conservation and management, more of the currently state-listed threatened and endangered species, and other species in greatest need of conservation, will decline to the point where they may qualify as candidates warranted for listing as federally threatened and endangered species. The results would be both an impoverished Kansas landscape and the burden of emergency recovery efforts.

None of the proposed changes to the Kansas Nongame and Endangered Species Conservation Act included in HB 2669 have merit. Not a single change is worthy of this committee's support or the honorable attention of the Kansas Legislature.

House Bill 2669 would transform the Kansas Department of Wildlife, Parks and Tourism into a mere bystander on issues relating to imperiled, threatened or endangered species conservation. It would leave Kansas citizens with little or no official voice in the protection of all of these species, and leave the State of Kansas with little or no influence in consultations with federal agencies when they address management of threatened and endangered species. The State of Kansas would not be able to make any credible promises to work for the betterment of critical habitat conditions and recover imperiled populations. With enactment of House Bill 2669 the State of Kansas would abrogate its authority and credibility.

For those who have suggested that the permits required under the Kansas Nongame and Endangered Species Conservation Act are too onerous, a view of the record reveals otherwise. When a similar bill was introduced in 2016 a review of the previous five years indicated that KDWPT had reviewed 10,976 publicly funded or publicly permitted proposals, but of those only 41 required some sort of mitigation. Other projects requiring permits were satisfactorily resolved with avoidance or minimization actions acceptable to all parties.

A summary of 2019 permits indicates that only 1 percent of all projects reviewed (19 of 1903) required permits and none required mitigation that caused additional land purchase. Less than one third of one percent required some form of compensatory mitigation. Three permits involving major pipelines required Horizontally Directional Drilling (HDD) under the subject stream or river. The time required for KDWPT review of project proposals usually is less than 30 days, and most are resolved within three weeks.

Alternatively, House Bill 2669 could result in further federal regulation. An example would be species that are state listed and not federally listed because the mechanism exists in state law to manage the species to recovery. Protecting species at the state level helps to prevent future population decline, which, if not addressed locally, can result in their imperiled status being elevated to necessitate federal protection, where habitat conservation measures may be needed and mandated by the U.S. Fish and Wildlife Service.

The Kansas Nongame and Endangered Species Conservation Act places the responsibility for identifying and undertaking appropriate conservation measures for threatened and endangered wildlife species directly upon the Department of Wildlife, Parks and Tourism. Although few in number, with their populations in jeopardy, these species constitute an important part of Kansas' wildlife heritage and serve as important barometers of the overall quality of life and appreciation of nature being enjoyed by all Kansans.

A 2011 survey commissioned by the KDWPT and conducted by Responsive Management Inc. regarding ***Kansas Residents' Opinions on Threatened and Endangered Wildlife and Actions to Protect Wildlife by Responsive Management*** provides valuable insight that should not be overlooked by the committee. The two

following statements are reflective of the opinions of a majority of Kansas residents surveyed:

“An overwhelming majority of Kansas residents (91%) agree that the Department should continue to identify and protect habitat critical to the existence of threatened and endangered wildlife.”

“A majority of landowners would strongly or moderately support the reintroduction of a threatened and endangered wildlife species to its historical range if that range was near or adjacent to the landowner’s property: 66% would support.”

If enacted as introduced, House Bill 2669 would eliminate the locally and state-driven petition process for listing state threatened or endangered species, and would require petitions be submitted to the U.S. Fish and Wildlife Service for the down listing or inclusion of a species on the Kansas list. House Bill 2669 would also eliminate the emergency petition process that currently allows the secretary of KDWP to quickly provide protections for species under immediate threat of extirpation or extinction in Kansas. Kansas legislation should not result in the state’s ceding ability to care for its environment to the federal government.

We thank you for your consideration of the concerns included in this statement and urge the committee to reject House Bill 2669.