



CONSERVATION OF NONGAME WILDLIFE, IMPERILED AND ENDANGERED SPECIES

...No LONGER A PRIORITY FOR STATE OF KANSAS...

December 2, 2013 was a bleak day for State of Kansas conservation leadership. Unfortunately, it was a reflection of an anti-conservation political philosophy that has taken over the body of state agencies like Kudzu* on abandoned farmsteads in some areas of the rural South. On this day, the state director of USDA's Natural Resource Conservation Service (NRCS) accepted input from members of the USDA State Technical Committee and state agencies on whether a small amount of Environmental Quality Incentive Program (EQIP) funds should be available in Kansas to assist landowners with recovery of Black-footed Ferrets.

States are being provided the opportunity to decide if they want to allocate EQIP dollars to a small targeted group of landowners for the reintroduction of the Black-footed Ferret. This is in response to the Black-footed Ferret Programmatic Safe Harbor Agreement released October 23, 2013 by NRCS, Fish and Wildlife Service, APHIS, and the Western Association of Fish & Wildlife Agencies. The Memorandum of Understanding (MOU) was created to assist in cooperative conservation efforts among all parties in conjunction with willing landowners.

The NRCS even created the Working Lands for Wildlife (WLFW) program, along with special incentives, in order to support the efforts of the MOU. Unfortunately on December 4 the Kansas State Conservationist elected not to participate, citing the antiquated 1903

prairie dog eradication statutes. However, Kansas courts have ruled that the Endangered Species Act over-rides these Kansas statutes.

EQIP funds are federal funds, and last year \$26 million was extended to Kansas for a wide range of programs and practices. Hundreds of thousands of dollars have been expended to build individual treatment facilities for numerous established and new cattle and hog feedlot and confinement facilities. Just last year, at the recommendation of the Kansas Department of Agriculture (KDA) and with the advocacy of the Kansas Farm Bureau, a new eligible practice was approved to finance the building of concrete structures to accommodate huge truckloads of chicken manure coming from corporate chicken operations in Arkansas. This is an agricultural production operation that should logically be paid for by the entities that benefit financially. With EQIP funding, taxpayers will finance facilities so that agricultural enterprises involved can stay in compliance with water quality standards and hopefully this "fertilizer" will only be applied to fields when conditions are suitable. AOK concurred because runoff from exposed mature piles would otherwise run into southeastern Kansas streams. That has been the case.

However, it has become clear that entities that pitch for importing poultry manure for production agriculture object to conservation of wildlife – even endangered

species. Presumably at the instruction of Dale Rodman, former Secretary of the KDA, a statement was filed stating that:

"This note is to reconfirm our discussion that federal program dollars will NOT be used on any black footed ferret reintroduction efforts in Kansas. The DOC and the KDA does NOT support any further black footed ferret reintroduction efforts in Kansas. Current reintroduction efforts have created tremendous hardships and conflict in northwest Kansas. We recommend that interested parties focus on the existing effort to remedy concerns and work to heal relationships and rebuild trust."

– Greg Foley

DOC stands for the Division of Conservation within KDA. Prior to recent reorganization, it was the State Conservation Commission, an agency that was traditionally nonpolitical and had a commendable history of water and soil conservation work. Tragically, DOC is now under the political, administrative and ideological CONTROL of the KDA secretary.

Unfortunately, conservation of nongame, imperiled or endangered species is no longer a priority even for the Kansas

Photo at top: A discomfoting message on a t-shirt printed in "Aggieville," a shopping area near the KSU campus.

**KUDZU kills or damages other plants by smothering them under a blanket of leaves, encompassing tree trunks, breaking branches, or even uprooting entire trees. Kudzu's ability to grow quickly has earned it the nickname, "The vine that ate the South."*

Department of Wildlife, Parks and Tourism. In fact, it has become increasingly clear that top KDWPT leadership regard species other than “game” as a distraction. It appears far too frequently at KDWPT Commission meetings and in other forums that “if they (other wildlife) can’t be hunted or trapped, what good are they?” Only game species and furbearers generate license sales.

One doesn’t have to read between the lines of the statement presented by KDWPT to NRCS to realize this approach prevails, even when the funds involved are federal funds:

On behalf of Secretary Robin Jennison, we vote no, KDWPT provides technical assistance to KS NRCS existing target general wildlife EQIP programs. Currently KDWPT does not plan on having its own BFF recovery plan in KS. KDWPT would support new KS EQIP funding for general wildlife EQIP in KS for a BFF recovery plan, but would not support using existing KS general wildlife EQIP money for a BFF recovery plan. Thank you for allowing comments.
– Joe Kramer

With ongoing abandonment of any substantial commitment to conservation of nongame species, KDWPT is becoming an entity overwhelmingly focused on COMMODITIES, somewhat similar to the Chicago Board of Trade’s attention to corn, beans and pork bellies. For KDWPT the commodities of interest are those “game” species that can be harvested and marketed with a hunting, trapping or fishing fee. That leaves out the vast majority of the species native to the state, which were included in the mission statement for the agency, which 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.”

Previously, the highlight of KDWPT’s attention to the array of species worthy of acknowledgement came in 2005 when at least 110 participants from virtually all entities interested in wildlife came together to develop comprehensive wildlife conservation strategies. The results were published as the 170-page A FUTURE FOR KANSAS WILDLIFE, Kansas’ Comprehensive Wildlife Conservation Plan. Federal funding for planning was provided by Congress. These proactive plans were designed to prescribe actions to conserve wildlife and vital habitat before species became imperiled and more costly to protect. The plan named 1,488 species, including 316 “species of greatest conservation need” and 59 threatened or endangered species. The plan qualifies KDWPT to receive federally funded State & Tribal Wildlife Grants for the purpose of implementing the plan to help keep species from becoming more rare or endangered.

However, there is apparently little initiative beyond having a plan within the Wildlife Section of KDWP. A reflection of that occurred when the Wildlife Diversity Coordinator was pushed out of the section and into the Ecological Services Section in 2004. Following retirement of the coordinator, the position has now been vacant since September 2011.

The plan was to be “thoroughly” reviewed and revised in five to seven-year intervals. In reality it has been largely abandoned – almost as if buried in the sand like ancient tablets.

Nothing illustrates the disregard for comprehensive plans more than the “burial” of the **BLACK-TAILED PRAIRIE DOG CONSERVATION & MANAGEMENT PLAN** prepared by a broad-based working group and published in 2002. Working through the Extension Wildlife Specialist, the agency has promoted the use of Rozol, including immediately around the Black-footed Ferret reintroduction sites. The Extension Specialist recommended and the agency approved the use of Photoxin (which kills everything in the burrows) at the request of the Logan County Commission on the ranches with prairie dogs prior to the release of ferrets as a way of preemptively eliminating prairie dogs.

And now, they are forcing a landowner in Meade County to agree to kill half of the young prairie dogs on his land each year as a condition of retaining any prairie dogs on his 800-acre ranch. The agency has neglected prairie dog management on KDWPT lands to the point of near total elimination on these public lands. Ignoring the encroachment of invasive cedars and other trees on the small colony at Lovewell State Park is an



A photo illustration designed to illustrate recent elimination of safeguards that were implemented in 2005 for protection of this endangered species.

illustration of disinterest in this wildlife resource--and associated species, including Burrowing Owls.

The absence of any proactive management has further jeopardized populations of other species, including some that were recognized in the diversity plan as species of greatest conservation need. Ferruginous Hawks were at the top of the list in western Kansas where they are now approaching extirpation as a breeding species. Yet, permits are issued so that falconers can come into the state, live trap and remove Ferruginous Hawks.

The overwhelming philosophy of "leadership" in the Wildlife Section is to maximize hunting and trapping opportunities. That is fine in those instances when imperiled species are not jeopardized, when hunting or trapping are ecologically ethical, and when there is a sufficient harvestable surplus.

In 2012, with an avid Sandhill Crane hunter as chairman of the KDWPT Commission, the department eliminated safeguards put in place since 2005 to reduce the prospect of additional Whooping Cranes being mistaken and killed in low light conditions. They eliminated the slightly restrictive shooting hours from a half hour AFTER sunrise to 2 p.m. and replaced it with shooting from sunrise to sunset. This change increases the risk of mistaken identity; in low light conditions all the cranes appear as silhouettes. This resulted in the shooting of three Whooping Cranes in November 2004. The extended shooting in the late afternoon--at the few roosting sites that Sandhill Cranes can utilize in the state--also maximizes disturbance of and stress on these long-distance migrants which nest in northern Canada, Alaska and Siberia. We do not consider sunrise to sunset shooting at roost sites to be ecologically ethical.

The Lesser Prairie-chicken (LEPC) is

a candidate for listing as a federally threatened species. Its occupied range has been shrinking and the population has been dropping in recent years. Yet, in 2012, KDWP increased the hunting season length by a month and the daily bag limit from 1 to 2 in a large portion of the LEPC range. A month-long early season, when young broods hold better for dogs or flush closer, was added. This created a season of 107 days--longer than any other upland gamebird season. In a time of drought the legal kill may be cumulative to other mortality factors, thus reducing the breeding population and the prospect of this added "take" being sustainable. The season expansion, especially in a time of drought and stress on the birds, suggests an element of disregard for the threatened and endangered species listing process. The five state region-wide population estimate dropped from 79,090 in 2003 to 34,440 in 2012, followed by a dramatic decline in one year to 17,615 in 2013.

An added factor that has undermined prospects for Prairie-chicken reproduction and survival in western Kansas was the "release" of virtually all of the state's 2.3 million acres of Conservation Reserve Program (CRP) grasslands for emergency haying and grazing in recent years. Elected officials called for it, and USDA made these grasslands available with only 10 percent reduction in annual rental payments to landowners. There appears to be no recognition that extended droughts and other weather extremes are devastating for wildlife, and CRP habitat is often critical--and the only nesting, brood and winter cover available. CRP is a conservation program, in part for wildlife, funded by all taxpayers. Audubon of Kansas was apparently the only organization that wrote to Farm Service Agency officials in the state asking that the habitat be retained in the LEPC range. KDWPT was not inclined

to speak forcefully to make a case for wildlife. At the same time the agencies and politicians have been insisting that the Lesser Prairie-chicken should not be listed as threatened because it is in good hands.

Confidence in that suggestion was eroded recently when Secretary of State Kris Kobach sponsored a bill (SB 276) in the Kansas Legislature that declares "any federal law, treaty, regulation or executive action that specifically regulates [Prairie-chickens and their habitats] null, void and unenforceable within the state." Furthermore, the bill (passed immediately by the Senate Natural Resources Committee) would make it "unlawful" [as a felony] for any state, local or federal employee to provide services or enforce any such federal law...." The "natural resource" lobbyist with the Kansas Farm Bureau was quoted as telling members of the committee, "If we can pass this bill, many of you will go home heroes."

If enacted, this anti-federal measure would totally undermine KDWPT's ability to participate in the five-state region-wide conservation plan. The plan is designed to serve as an alternative to listing, or as a way to assist recovery of the population so it can be removed from threatened status later.

Needless to say, aside from participation in development of the proactive region wide conservation plan, most of the other actions do not instill much confidence that the State of Kansas is going to provide the leadership needed to sustain and recover this imperiled species. Listing as a threatened species may be necessary to require compliance among USDA agencies. The NRCS State Conservationist for Kansas recently removed consideration of wildlife from agency planning requirements for production-oriented rangeland health and livestock grazing plans funded with federal EQIP funds. Those practices represent more than half of the annual EQIP cost-share expenditures in the state. Now, district conservationists and applicants won't have to consider the wildlife consequences of broadcast herbicide spraying of native rangelands or water and fencing facilities (paid for with taxpayers' funds) designed to create monocultures. Some of these practices are a coup de grâce

A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.

— Aldo Leopold



Two male Lesser Prairie-chickens contesting rank and territory on a courtship lek.
Photo ©Bob Gress, *BirdsinFocus.com*

for habitat needed by Prairie-chickens and many other grassland and shrub-nesting species.

Current populations and prospects for more abundant game species – including Pheasants, Northern Bobwhites, Greater Prairie-chickens and deer – are diminished by the political cloud that hangs over KDWPT. Biologists cannot effectively counter the forces that advocate more intensive utilization of CRP grasslands at the expense of wildlife. Pheasant populations are now at an all time low and that diminishes the agency’s revenues and the tourism economy broadly.

Hunting, fishing and trapping fees provide most of the funding for the agency. It is unfortunate that there isn’t general revenue support. However, some within the Wildlife Section with an ideology that is

limited to hunting, fishing and trapping prefer this restricted focus for the agency. Residents with other interests do not have much reason to attend KDWPT Commission meetings. The non-consumptive philosophy doesn’t have much “standing” in this arena, and it is seldom expressed.

The Kansas Nongame Wildlife Advisory Council also seems to have been sidelined in the last year. We hope it is just temporary. Inquiries from the chairman to KDWPT to schedule meetings have gone without any response. Regardless of their population status, species subject to hunting or trapping are pretty much off limits for council discussion.

Many wildlife enthusiasts are dismayed when they learn that River Otters can now be trapped statewide, even though return of

this native species has taken decades and the species has not returned or established sustainable breeding populations throughout much of the state. Likewise, although Swift Fox populations have been in jeopardy in the recent past and are still a “species in greatest need of conservation,” there is no limit on the number of Swift Foxes that any and all trappers can take in Kansas. Swift Foxes are considered threatened throughout much of their former range. Neither species is legally trapped in Nebraska, which is taking a more conservative approach.

Where there is no financial reward for KDWPT, there is minimal interest. Staff members who were educated or are inclined to approach wildlife management holistically cannot do as much as they would like. Without legislative and gubernatorial support, and without a capacity for initiative petitions, Kansans have not been able to secure a source of funding for broad-based conservation programs, as have residents in Missouri and a number of other states. An absence of general revenue used to mean less political interference, but that benefit has vanished. Recent across-the-board cuts in funding have further curtailed work on everything from nature centers and fish hatcheries to habitat improvements on public lands. Seventy-five seasonal employees were terminated a week before Christmas, and given four days notice.

In spite of our wildlife agency’s shortcomings, much commendable work is accomplished by most staff individually and collectively. Everyone with an interest in wildlife needs to stay informed and engaged. We need to be as supportive as possible when it is merited, and express disappointment when needed. It is also imperative that citizens defend the agency’s capacity to conserve the state’s wildlife heritage against constant erosion by lobbyists and politicians who do not share a commitment to conservation.

In response to a vote in committee against SB 276, State Senator Marci Francisco wrote, “I want to send...a very different message and one that I believe to be true: Kansans want to take appropriate action to maintain our valuable wildlife habitat.” We second that thought.