



# KANSAS CHAPTER AMERICAN FISHERIES SOCIETY

February 25, 2013

**To:** Sharon Schwarts, Chairperson  
House Agriculture and Natural Resources Committee

**Committee Members:** Kyle Hoffman (*Vice-chairperson*), Ponka-We Victors (*Ranking Minority Member*), John Alcalá, Sue Boldra, Sydney Carlin, Will Carpenter, Diana Dierks, John Ewy, Ramon Gonzalez, Larry Hibbard, Steven Johnson, Harold Lane, Tom, Moxley, Connie O'Brien, Marty Read, Don Schroeder, Joe Seiwert, Tom Sloan, Jack Thimesch, Ed Trimmer, Troy Waymaster, John Wilson

**From:** Executive Committee, Kansas Chapter of the American Fisheries Society  
President – Jeff Koch  
President-Elect – Keith Gido  
Past-President – Mark Van Scoyoc

**Re: HB 2362**—Amending the provisions of the nongame and endangered species conservation act.

As an interested party in the conservation and management of the natural resources of the state of Kansas for the benefit of all Kansans, the Kansas Chapter of the American Fisheries Society, a formally constituted subunit of the American Fisheries Society, respectfully submits its opposition to the amended provisions of the Kansas Nongame and Endangered Species Conservation Act proposed in HB 2362.

We base our opposition on three lines of reasoning:

**1. *The majority of Kansas residents support the protection of sensitive species.***

A recent survey conducted by Responsive Management, an internationally recognized research firm found that a majority of Kansas residents (91%) agreed that the Department should continue to identify and protect habitat critical to the existence of state threatened and endangered species. Also, a majority (73%) of residents agree that wildlife that is threatened and endangered in Kansas yet abundant in other states should still be protected in Kansas.

**2. *A scientific publication reviewing the status of Kansas fish documents a decline in the distribution and abundance of 47% of native species.***

A 2005 article published in Transactions of Kansas Academy of Science states “a re-evaluation of the status of fishes in Kansas suggests that 54 of the 116 native species should be assigned special conservation status due to substantial declines in distribution or abundance and/or their rarity in the state.” This article was co-authored by 10 of the top fisheries experts in Kansas including scientists from Fort Hays State University, Pittsburg State University, Emporia State University, Kansas State University, Wichita State University and the Kansas Biological Survey.

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### **3. *The benefits of local control as opposed to federal oversight of Kansas species.***

We offer three examples of this benefit.

In 1991, the United States Fish & Wildlife Service (USFWS) defined the Arkansas Darter (*Etheostoma cragini*) as a candidate for federal protection under the Endangered Species Act of 1973. In 2004, the species was formally petitioned to be listed as federally-endangered. The petitioning organization is based in Tucson, Arizona. The most recent federal assessment continues the darter's candidate status but notes the development of a Kansas Recovery Plan and state protection as positive factors. It states "the most persistent threats to this species are adverse impacts to habitat quantity and quality, and in all States *except Kansas* (emphasis added), regulations do not adequately address habitat." One reason the Arkansas Darter is not federally-protected rests with the existence and implementation of the Kansas Nongame and Endangered Species Conservation Act.

Our second example is the federally-endangered Topeka Shiner (*Notropis topeka*). In 2004 the USFWS published a final rule designating 836 miles of streams in three states as federal critical habitat for the Topeka shiner. Kansas was excluded from federal critical habitat designations specifically because of actions taken by the Department of Wildlife, Parks and Tourism under authority granted to the Secretary through the Kansas Nongame and Endangered Species Conservation Act.

And most recently in October 2012, the U.S. Fish and Wildlife Service announced that the Neosho Mucket (*Lampsilis rafinesqueana*) and Rabbitsfoot (*Quadrula cylindrical*) Mussels are proposed for federal listing under the Endangered Species Act. Both of these species occur in Kansas and critical habitat is currently being proposed for 274 river miles within Kansas. The Kansas Department of Wildlife, Parks and Tourism is currently drafting comments and recommendations on this proposed listing. And again, the current provisions set forth in Kansas Nongame and Endangered Species Conservation Act will no doubt have substantial influence on the final listing decision.

In summary, we oppose HB2362 because it runs contrary to the will of the majority of Kansas citizens; it removes provisions necessary for the conservation of the state's rich natural heritage; and it weakens the state's ability to maintain local control over sensitive species conservation.

Respectfully submitted,

Keith Gido, President-Elect

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