



Since 1894

To: House Committee on Agriculture
Rep. Ken Rahjes, Chair

From: Jackie Garagiola, Associate Counsel, Kansas Livestock Association

Re: **SCR 1602 - A CONCURRENT RESOLUTION disapproving the designation of the lesser prairie chicken as a threatened species in Kansas by the United States Fish and Wildlife Service and supporting efforts to remove such designation.**

Date: February 6, 2023

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,700 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Chairman Rahjes, and members of the Committee, for the opportunity to present KLA's views on SCR 1602. KLA strongly supports SCR 1602 and appreciates the legislature's time and efforts on this joint resolution.

KLA opposes the listing of the Lesser Prairie Chicken (LPC) by the U.S. Fish and Wildlife Service's 2022 listing of the lesser prairie chicken as threatened on the Endangered Species List (ESA) in accordance with member led policy. KLA policy specifically supports the inclusion of a 4(d) rule that provides the same protections given to cultivated lands and without the requirement of a grazing plan approved by a third-party. KLA further supports voluntary and incentive-based conservation efforts to protect the LPC population and has already contributed significant investments in such voluntary conservation efforts with the support of affiliated associations.

Activities held on our operations provide high quality, well-maintained open space that serves as habitat not only for grazing animals, but also for associated species who depend on resources that provide adequate food, shelter, and protection from predation. Conservation efforts over the last decade have prioritized management and active conservation of habitat through cultivation and retention of native grass-prairie ecosystems and the use of grazing to cultivate suitable habitats. This coordinated effort has shown tremendous success, nearly doubling the population (19,913 in 2016 to 34,408 in 2020). Given the increasing population, KLA believes the Service listing is not only unnecessary, but provisions of the new rule are incredibly burdensome to KLA members.

There are many concerning aspects of this listing, but KLA would like to focus on the 4(d) rule as it is a gross federal overreach into the way that private landowners run their businesses. Not only is the Service outsourcing its compliance activities to unknown and potentially unfriendly third parties, the Service has yet to approve any third parties. This provision of the rule is especially egregious as it does not afford

grazing lands the same protections as cultivated lands. As it stands, revoking and reconsidering this rule would be the most practical step forward for all stakeholders involved.

Thank you for the opportunity to submit KLA's views to the Committee regarding SCR 1602 and for shedding light on the importance of this issue.