

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.

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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.