

ENVIRONMENTAL BENEFIT STATEMENT

K.A.R. 115-15-1. Threatened and endangered species; general provisions.

REGULATION DESCRIPTION: This permanent regulation designates species classified as threatened and endangered in Kansas (“T&E species”). An environmental benefit statement is required by law when amending an environmental rule or regulation. A regulation adopted by the Secretary of Wildlife and Parks concerning threatened or endangered species of wildlife is defined as an environmental rule or regulation. Consequently, this environmental benefit statement has been prepared. The proposed amendments to the regulation are as follows:

- Add one new endangered species: Silver chub, *Macrhybopsis storeriana*
- Remove two threatened species: Texas night snake, *Hypsiglena torquata jani*
White-faced ibis, *Plegadis chihi*

In conjunction with these proposed amendments, the department is also proposing amendments to K.A.R. 115-15-2, which includes the lists of species in need of conservation in Kansas. Proposed amendments to that regulation include the addition of the Texas night snake, Delta hydrobe, and Brindled madtom to the list of SINC species as well as the removal of the Red-shouldered hawk and Eastern Chipmunk from the list of SINC species, and therefore relate to this proposed regulatory amendment.

The Kansas Nongame and Endangered Species Act, K.S.A. 32-957 et seq., requires the department to adopt rules and regulations “which contain a list of all species of wildlife indigenous to this state which have been determined to be endangered species . . . and a list of all such species which have been determined to be threatened. . .” (K.S.A. 32-959(c)(1)). In making this determination, a species may be threatened or endangered because of any of the following factors:

- (1) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (2) the overutilization of such species for commercial, sporting, scientific, educational, or other purposes;
- (3) disease or predation;
- (4) the inadequacy of existing regulatory mechanisms; or
- (5) the presence of other natural or man-made factors affecting its continued existence within this state.

The current proposed amendments stem from petitions for listing actions received by the department by July 2003, as well as federal threatened and endangered species listings. Since that time, the department has held various public meetings, collected data, and received official recommendations from a task force composed of personnel from the U.S. Fish and Wildlife

Service, universities, the Kansas Biological Survey, and the department. In making its recommendation to the department, that task force collected numerical ratings from individuals and companies believed to have knowledge and scientific information about one or more of the species in question, over a 90-day public comment period.

Taking into consideration response from the Wildlife and Parks Commission, the general public, and the task force recommendations, the department has developed these proposed regulatory amendments. A description of the species and related information, as well as a description of the risk or threat to the species and the need for the regulatory amendment, is included for each of the species in question.

Silver chub (*Macrhybopsis storeriana*)

- Federal Status: None
- Current Kansas Listing Status: None
- Proposed Listing Action: List the species as endangered
- Description: This species has a blunt, rounded snout, large eyes, silvery patches in front of the eyes, and narrow, bright, silvery streaks along the sides.
- Size: Adults grow to about six inches in length.
- Habitat: The Silver chub was once common in the Kansas and Missouri Rivers but now is found infrequently during sampling efforts.
- Reproduction: Spawning occurs during late May through June.
- Food: This species' diet consists of insects and small crustaceans.

Threat to the species and need for the regulatory amendment: The Silver chub is a big-river fish and its fate is tied to the hydrology of large rivers. This species, like two closely related and previously listed species (Sturgeon and Sicklefin Chub), is specially adapted to the conditions found on the large rivers prior to the establishment of large mainstem reservoirs. Decreased turbidity, reduction in frequency and amplitude of peak flows, and establishment of sight-feeding predators in a previously inhospitable habitat all may have had a role in reducing or eliminating populations of the Silver chub and its congeners. Listing would increasingly draw attention to the need to periodically manage the rivers to mimic the natural flow events that could benefit several rare species that are found in and along the largest rivers in Kansas.

Texas night snake (*Hysiglena torquata jani*)

- Federal Status: none
- Current Kansas Listing Status: Threatened
- Proposed Listing Action: List as a species in need of conservation in Kansas
- Description: The Texas night snake is small dorsal ground color light brown or gray with brown or dark gray spotted snake. It has bulging eyes with vertically elliptical pupils and the scales are smooth.
- Size: Adults grow to 10-16 inches in length.
- Habitat: The Texas night snake is commonly seen in arid or semi-arid sandy/gravelly habitats and rocky bluffs. In Kansas, the Texas night snake is found in south-central

Kansas in the area known as the Red Hills region.

- Reproduction: The Texas night snake is an egg-bearing reptile. 4-6 eggs are laid from April-June and hatch after 8 weeks.
- Food: The Texas night snake is nocturnal and active in warmer months. It feeds on lizards, other small snakes and insects.

Threat to the species and need for the regulatory amendment: The Texas night snake is proposed to be de-listed from threatened status to a SINC species. It is common where found in Kansas but the distribution of the snake is small. Listing it as a species in need of conservation would provide it some protection and would help raise awareness.

White-faced ibis (*Plegades chihi*)

- Federal Status: None
- Current Kansas Listing Status: Threatened
- Proposed Listing Action: De-list the species completely
- Description: This species is described as having a red eye, grayish bare facial skin, gray-green legs, a duller gray-brown body and a head and neck streaked with white.
- Size: Adults grow to 19 inches in length with a 37 inch wingspan.
- Habitat: The White-faced ibis is known to nest in Kansas at Quivera National Wildlife Refuge and Cheyenne Bottoms Wildlife Area.
- Reproduction: This bird is a colonial nester that usual nests in emergent vegetation over shallow water. Nesting occurs between April through June, and three to four greenish-blue eggs will hatch after an incubation period of approximately 21 to 22 days.
- Food: This species' diet consists of insects, newts, leeches, earthworms, snails and especially crayfish, frogs and fish.

Threat to the species and need for the regulatory amendment: Few breeding records are known in Kansas prior to 1962, but the trend in numbers has been increasing since that time. This bird has been on a strong rebound throughout its natural range. According to the Breeding Bird survey data, this species has an annual increasing trend of 18 percent from 1980-2002 across its range. This positive trend has been attributed to wetland habitat conservation and the banning of chlorinated hydrocarbon pesticides (DDT) that affected its reproductive success.