



*Hutton sunrise with wagon in February. Photo by JK Augustine*

# ADVOCACY:

## AN ESSENTIAL FOCUS IN THE AOK MISSION

Michael L. Donnelly

Audubon of Kansas defines three major components in its organizational mission: **Advocacy, Conservation, and Environmental Education.**

AOK fills an important niche in each of these areas. However, it is in the field of advocacy that AOK's efforts stand out for our willingness to take on hot-button issues that other conservation organizations have avoided or on which they have waffled. Prime examples are AOK's drafting recommended guidelines that consider sound conservation practices for siting wind turbine facilities, and providing counsel and support to local groups opposed to establishment of industrial wind turbine facilities in unspoiled virgin prairie and in major migration corridors. We have testified in the Kansas legislature on bills that would have addressed

some of these concerns. Recently, AOK testified before Pottawatomie County Commissioners on behalf of sensible siting requirements for industrial solar energy installations.

Antiquated statutes on the Kansas books since the early years of the last century allow county commissioners either to coerce private landowners into eradicating prairie dogs on their land, or if landowners fail to comply, to proceed with eradication with government agents, and to charge the landowners for the cost, establishing tax liens on their property in case of their failure to comply. AOK has maintained for many years a position that these laws are ecologically unsound, encroach on the private property rights of landowners, encourage the use of poisons that endanger protected

species like Golden Eagles, Swainson's Hawks and other raptors, and ought to be repealed.

AOK Advocacy positions thus range from weighing in on threats to wildlife and the environment posed by thoughtless implementation of new technologies to addressing bad practices inherited from over a century ago. So far AOK's efforts on behalf of sensible wind farm siting and achieving repeal of the antiquated prairie dog statutes have failed to achieve the desired goals, but as our Executive Director Jackie Augustine has written,

**“Although our work with prairie dogs and siting of industrial wind turbines was ultimately unsuccessful [last year], we were able to build resources and connections with industry, government, and other non-profit organizations so that we increase our chances of success when the next issue arises.”**

Many of AOK's initiatives in the realm of advocacy arise as one-off, individual responses to unanticipated urgencies over a specific issue—a request for intervention in a controversy over siting a new landfill, local opposition seeking sound arguments concerning new zoning regulations that would be environmentally damaging, the need for scientifically-informed testimony before a legislative committee concerning proposed new legislation. AOK takes the position that intervention, even in a narrow local cause, and even in cases that are for the time unsuccessful, justifies itself on the grounds that successful advocacy is built on establishing long-term relationships with government agencies, politicians, other conservation advocates, and establishing a reputation as a go-to resource with the public. In line with this principle, the Executive Director has testified on behalf of legislation to protect the endangered Lesser Prairie-Chicken, a species on which she is an expert, having done her Ph.D. research on prairie-chicken behavior and having continued her prairie-chicken research for nearly twenty years.

The USFWS announced on November 17th that the iconic Lesser Prairie Chicken, a umbrella species in the radically diminished short-grass prairie, had been listed as “threatened” across its Kansas habitat, and “endangered” in New Mexico and the southwest Texas panhandle. Executive Director of AOK Jackie Augustine had written to give expert testimony in support of the listing in July of last year, after the Center for Biological Diversity filed suit the previous October, arguing that USFWS was moving too slowly in acting on the proposed listing a year and a half before that. US wildlife officials estimate that only about 32,000 Lesser Prairie Chickens remain in Kansas, Oklahoma, Texas, and New Mexico, with 90 percent of their habitat gone owing to human development. This is a victory for water quality, climate resilience, and recreation, according to Amy Lueders, southwest regional director of the USFWS—and a victory for habitat preservation in southwest Kansas, and for AOK.

The listing was opposed by Kansas Senators Moran and Marshall, and Representative Tracy Mann.

Every effort by AOK is directed toward cementing a reputation as an expert witness and party to environmental issues with an eye to challenges that will arise in the future. We hope that our track record of intervention on the side of wildlife and the environment will make us an automatic choice as advocate for any local bodies or organizations seeking assistance when confronted by measures that would degrade the environment and contribute to further fraying of the web of life.

We endeavor to place op-ed articles and letters to the editor in local and regional news outlets advocating for current environmental legislation, such as the Recovery of American Wildlife Act which recently came before the U.S. Senate. (See the article in this issue of *Prairie Wings* on the RAWA Act.)

As noted above, **in its advocacy role AOK does not shrink from championing sound management of wildlife and the environment even when that stance is seen as swimming against the tide of dominant attitudes or interests.** In the wind facility issue, the categorical assumption that any “green” initiative is “good” and wind farms are “good” wherever they may be established led many other conservation organizations to opt out of taking a stand against environmentally unsound siting, or even to uncritically lend their support to the wind industry’s positions. However, AOK’s position takes the side of sound environmental science and local concerns, and embodies the best guidelines established by federal and state bodies—guidelines that, unfortunately, do not yet have the status of law.

In its latest and most prominent intervention under the rubric of advocacy, AOK has filed a lawsuit against the USFWS defending the senior water rights of the Quivira National Wildlife Refuge. Quivira comprises 22,135

acres of wetlands and sand prairie in Stafford, Rice, and Reno Counties in Kansas. It is a crucial rest and refueling stop for major portions of the North American populations of waterfowl and shorebirds, including the endangered Whooping Crane. It has been recognized since 2002 by the Ramsar International Convention as a wetland of international significance. In January 2008, Quivira NWR and Cheyenne Bottoms Wildlife Area were jointly designated as one of the 8 Wonders of Kansas.

Under the law, it is the duty of the USFWS to vindicate the senior water right of Quivira, but political pressure has made these bodies reluctant to push the marsh’s claim. AOK’s lawsuit in federal court this year enjoins the USFWS to act to assert Quivira’s senior water right. See the article in this magazine providing further details and an update.

AOK recognizes that sound conservation practices often face well-funded competing interests, and that defending “birds and critters” may attract opposition and ridicule. But AOK also recognizes that our native ecosystems, sadly diminished and eroded as they are, face increasing threats from uninformed or greedy development, and that once gone, these precious elements in our national heritage are gone forever. We will continue to fight the good fight on behalf of wildlife, habitat preservation, and an informed public, and we invite the active support and participation in the fight by everyone who would like to see a viable, functioning natural world passed down to our children and grandchildren.