

115-15-4. Recovery plans; procedures. (a) The following definitions shall apply only to this regulation:

(1) "Recovery plan" means a designated strategy or methodology that, if funded and implemented, is reasonably expected to lead to the eventual restoration, maintenance, or delisting of a listed species.

(2) "Listed species" means those species listed in K.A.R. 115-15-1 and K.A.R. 115-15-2.

(3) "Local advisory committee" means a committee as described in K.S.A. 32-960a, and amendments thereto.

(b) A recovery plan shall be developed for each listed species, subject to the priority list for development of recovery plans, and shall be consistent with the amount of funds appropriated for that purpose.

(1) All listed species shall be ranked to establish priorities for recovery plan development. Any recovery plan may include more than one listed species.

(2) When, using the ranked priority list, a listed species is designated for recovery plan development, notice shall be published to that effect in the Kansas register and shall be mailed to persons who have requested to be notified of the recovery plan process for that listed species or for all species.

(3) Reasonable opportunity shall be provided for individuals, organizations, and other interested parties to participate and express their views about the development and implementation of a recovery plan.

(4) A local advisory committee shall be established to take part in the development of the recovery plan. The local advisory committee shall identify measures that minimize adverse social and economic impacts during recovery actions.

(c)(1) Each recovery plan shall include the following:

(A) The current status of the listed species, including the existing scientific knowledge of habitat requirements, limiting factors, and distribution;

(B) additional data needs;

(C) actions and land uses affecting the listed species;

(D) specific management activities that may be included in an agreement between the secretary and a landowner;

(E) critical habitat designations required for conservation and recovery of the listed species;

(F) objectives, criteria, and budgeted actions required to recover and protect the listed species;

(G) conservation assistance programs or other incentive-based opportunities for species conservation on private lands;

(H) information and education-based opportunities for conservation of listed species on private lands;

(I) delisting date goal; and

(J) estimated implementation cost.

(2) For each species listed before January 1, 1998, the existing critical habitat designation process and permitting authority shall be maintained by the department until a recovery plan is adopted for that species. The recovery plan, once adopted, shall determine the final designations for critical habitat as well as identify specific actions that are subject to permitting and enforcement authority.

(3) For newly listed species, critical habitat shall be temporarily designated by the secretary. Each temporary designation shall expire four years after the species is listed, unless the species is listed under federal law. Final critical habitat criteria and specific actions that are subject to permitting and enforcement authority shall be determined by the adopted recovery plan.

(4) Each critical habitat established through the recovery planning process shall supersede existing criteria and designations.

(5) Each critical habitat established through the recovery planning process or temporarily designated by the secretary shall be determined on the basis of the best scientific data available while taking into consideration the economic impact of the designation.

(6) Any geographic area may be excluded from a critical habitat designation by the secretary if the secretary determines that the benefits of the exclusion outweigh the benefits of the designation, unless the secretary determines that the failure to designate the critical habitat will result in the extirpation of the species, based on the best scientific and commercial data available.

(d) To meet the requirement that real property shall be included in management activities as part of a recovery plan, pursuant to K.S.A. 79-32,203(a)(2), and amendments thereto, each landowner shall meet the following requirements:

(1) Undertake land management activities or improvements identified in the recovery plan; and
(2) be a signed party to an agreement with the secretary specifying those land management activities or improvements.

(e) Before its adoption, a draft recovery plan shall be distributed to relevant federal and state agencies, local and tribal governments that are affected by the recovery plan, and individuals and organizations that have requested notification of department actions regarding threatened or endangered species.

(f) After adoption of a recovery plan, cooperation with other state and federal agencies, local and tribal governments, and affected landowners for implementation of the recovery plan shall be sought by the secretary.

(g) If a listed species is also designated as a federal threatened or endangered species or is a candidate for federal designation, the recovery plan for that listed species shall be submitted to the secretary of the interior.

(h) Each recovery plan shall be reviewed at least once every five years, and the status of the listed species addressed by the recovery plan shall be monitored in the interim. The local advisory committee shall be consulted by the department during the review. This review shall take into account any new scientific knowledge or data since the original adoption of the recovery plan, as well as current population trends of the listed species.

(Authorized by K.S.A. 32-960b; implementing K.S.A. 32-960a and K.S.A. 32-960b; effective Jan. 1, 1998; amended February 16, 2018.)