

The Board of Logan County Commissioners met on Monday, May 16, 2022. Those present were Commissioners David Hubert, Cody Younkin and Cameron Edwards. The meeting was called to order at 8:30 a.m. by Chairman Cody Younkin.

It was moved and seconded by Commissioners Hubert and Edwards to approve the agenda as presented. Motion carried 3-0.

Lucretia with Western Kansas Child Advocacy Center met with the Board and explained the services they provide to this area including mental health services, prevention, medical services as well as the mobile therapy units. She also requested 2023 budget consideration of \$6,000.00.

Emergency Management Director Pappy Lies met with the Board and requested executive session. At 8:40 a.m. it was moved and seconded by Commissioners Edwards and Hubert to go into executive session for 10 minutes to discuss non-elected personnel. Motion carried 3-0. Those present in the session were Commissioners Hubert, Edwards, Younkin, Lies and County Clerk Crystal Rucker. The Board returned to open meeting at 8:50 a.m. with no action taken.

EMS Director Bob Kelly and Paramedic Candy Janousek met with the Board and shared with them that the AEMT class schedule was approved by the State and wondered if the Board wanted to apply for the state grant for the class. They currently have 10 out of the 25 EMT's enrolled. It was moved and seconded by Commissioners Edwards and Hubert to apply for the grant for the class. Motion carried 3-0. Kelly also informed the Board they signed a contract with BioMed to maintain and repair their medical equipment which will help them out and save money as well.

The Board reviewed the Warrant Register dated May 10, 2022 as follows: General \$12,817.37; County Health \$3,544.59; Road & Bridge \$15,342.21; Noxious Weed \$2,787.33; Multi County Health \$106.43; Fire \$2,963.76; EMS \$4,557.87; Drug Forfeiture \$900.00; County Attorney Drug Forfeiture \$1,391.66 and Payroll Clearing \$1,929.08 for a total of \$46,340.30. It was moved and seconded by Commissioners Edwards and Hubert to approve the Warrant Register as presented. Motion carried 3-0.

The minutes from May 2, 2022 meeting were reviewed. It was moved and seconded by Commissioners Hubert and Edwards to approve the minutes as presented. Motion carried 3-0.

The minutes from May 3, 2022 special meeting were reviewed. It was moved and seconded by Commissioners Hubert and Edwards to approve the minutes as presented. Motion carried 3-0.

The report of the County Surveyor and viewers of the Road Petitioned by Winona Township having been duly filed, was read, found favorable and there being no legal objections against said report, the Board being satisfied that the Road Survey and Plat be recorded and from thenceforth said Road will be a public road, being further ordered that the Township Trustees of Winona Township, cause the same to be opened for public travel. It was moved and seconded by Commissioners Edwards and Hubert to sign **Resolution No. 22-10** regarding opening a portion of land to be used as a road starting at Highway 25 and Zest Road running west three (3) miles to County Road 230 in Winona. The said road would begin at the southeast (SE) corner of section thirty-four (34) in township eleven (11), range thirty-five (35) going west three (3) miles ending at the southwest (SW) corner of section thirty-two (32) in township eleven (11), range thirty-five (35). Motion carried 3-0.

The Board reviewed the request of \$100.00 from the Kansas Silver Haired Legislatures. It was moved and seconded by Commissioners Hubert and Edwards to approve the request. Motion carried 3-0.

Jim Carlson with Stillwater Technical Solutions met with the Board to review the draft to US Fish & Wildlife Service and the Department of Interior regarding the transmittal of STS Audit; concurrence with ARD Hogan for need of Solicitor Review of the 2013 Programmatic Safe Harbor Agreement and suspension of Permit TE18695B-0. The letter states that the Logan County Board of Commissioners has determined that the certificate of inclusion for the Smoky Hill River Safe Harbor lands (SHSH) is based upon a flawed, multi-state US Fish and Wildlife Service (FWS) policy that contains procedural omissions, technical deficiencies, and inconsistencies with the enabling authorities of the Endangered Species Act (ESA), incidental take regulations, the National Environmental Policy Act (NEPA), and the 1999 FWS Final Safe Harbor Policy and Final Rule (1999 SHP). Through our research, a survey of 19 Logan County non-participating landowners, and the findings of the attached compliance audit, we have concluded that the SHSH certificate of inclusion issued under Enhancement of Survival Permit TE18695B-0 was issued under the authority of a flawed Programmatic Safe Harbor Agreement for the Black-footed ferret that is based upon an errant 2013 NEPA Environmental Assessment (EA) and Finding of No Significant Impact (FONSI). Consequently, the certificate of inclusion for the SHSH is procedurally incomplete, technically flawed, and the record demonstrates that neither the Secretary of the Interior nor local cooperators

can legitimately claim safe harbor protection for the SHSH lands that would preempt our authority under Kansas State law to effect control of Black-tailed prairie dog colonies on private lands. On November 10, 2021 the Acting Regional Director of FWS Mountain Prairie Region requested that the Solicitor of the Interior perform a review of the Black-footed Ferret Programmatic Safe Harbor Agreement for compliance with NEPA requirements. Given the gravity of the allegations documented in the attached report, the conflict that the SHSH poses to county responsibilities under Kansas statute, and the multistate nature of the issues, we believe a compliance audit by the Solicitor of the Interior's Office is necessary, and even propose that the Office of the Inspector General be included as well. The Logan County Commissioners have requested an Opinion from the Kansas Attorney General's office on compliance of the 2013 Programmatic Safe Harbor Agreement with the ESA, NEPA and the 1999 FWS Final Safe Harbor Policy and Final Rule, and we will be networking with interested Attorney Generals of other states to support FWS in the outworking its governmental responsibilities. The Black Tailed Prairie Dog Health, Safety and Management Plan adopted by Logan County calls for a control window between the months of October 1 and March 15 and we have not issued a moratorium on that program. While the potential audits are being conducted and opinions by the Kansas Attorney General's office may be proceeding, we recommend that the Secretary of the Interior suspend Enhancement of Survival Permit TE18695B-0 using the authority of 50 CFR § 13.27(a).

County Attorney Craig Uhrich met with the Board and requested executive session. At 11:35 a.m. it was moved and seconded by Commissioners Edwards and Hubert to go into executive session for 1.5 hours for attorney-client privilege. Motion carried 3-0. Those present in the session were Commissioners Hubert, Edwards, Younkin, Uhrich, Tom Johnson and County Clerk Crystal Rucker. The Board returned to open meeting at 1:05 p.m. with no action taken.

There being no further business discussed it was moved and seconded by Commissioners Hubert and Edwards respectively to adjourn the meeting at 1:07 p.m. The next regular meeting is scheduled for Monday, June 6, 2022 at 8:30 a.m.

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_