

STATE OF KANSAS

Capitol Building, Room 241 South
Topeka, KS 66612



Phone: (785) 296-3232
Governor.Kansas.gov

August 16th, 2024

Governor Jim Pillen
P.O. Box 94848
Lincoln, Nebraska 68509-4848

Subject: Objection to Application A-19594, Option #1

Dear Governor Pillen:

We write today on behalf of the State of Kansas to convey our unified and unequivocal objection to the proposed interbasin transfer from the Platte River to the Republican River Basin. If approved, this transfer will open a direct pathway for invasive carp species to enter Harlan County Reservoir in Nebraska and Lovewell and Milford Reservoirs in Kansas. The introduction of these fish will cause irreparable ecological harm to native species and economic and noneconomic harm to the use and enjoyment of these waters, including sport fishing, commercial fishing, and recreational boating. It should be noted that Milford Reservoir is regarded as Kansas's premier fishing destination, and many Nebraskans enjoy it every year.

Kansas previously shared this concern in 2018 when the Nebraska Department of Natural Resources first considered an identical transfer application. Nebraska Game and Parks Commission indicated then that invasive bighead and silver carp had been documented for several years in the upper sections of the Loup, Platte, and Elkhorn rivers. It further recorded a sustainable population of invasive carp residing near Kearney. This was the first documentation of an invasive carp population capable of reproducing in this area.

Since that time, the threat of invasive carp entering the Republican River Basin has grown more dire as they have rapidly spread up the Platte River. Recent data from the United States Geological Survey indicates that silver carp have expanded the range of their invasion approximately 60 river miles upstream and are now present immediately below the North Platte diversion dam. In August 2023, a Nebraska Game and Parks Commission conservation officer documented a school of silver carp near Lexington. Their rapid expansion up the Platte River in the past few years to their current location mere yards from the site of the proposed interbasin transfer means the threat of invasive carp entering the Republican River Basin is immediate.

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Devastating consequences have resulted in other river basins where these fish have invaded. Invasive silver and bighead carp decimate fish populations and pose safety hazards to river and reservoir recreationalists in many parts of the United States, including Lake Yankton adjacent to the Nebraska-South Dakota state line. After flooding in 2011, the lake was infested with invasive carp, and by 2014, they composed over ninety percent of the fish in the lake, necessitating the use of poison to eliminate all fish in the system.

Indeed, the immense harm caused by invasive carp has led Congress to outlaw the knowing importation, possession, and transportation of invasive carp. 18 U.S.C. § 42; 50 C.F.R. § 16.13(a)(2)(v)(D). States across the Mississippi River Basin are currently engaged in a costly all-out battle to prevent the further spread of these species. These efforts to eliminate established invasive carp populations have been largely unsuccessful, emphasizing the need to prevent further spread whenever possible.

The Kansas Republican River Compact Administration team has long collaborated with the State of Nebraska on strategies to provide greater water certainty for our water users, and we certainly support continued partnership to ensure compliance with the Compact. However, this action would pose an immediate and dire ecological and economic threat to the vitality of the Republican River Basin in both states, making denial a matter of mutual concern.

For these reasons, we strongly recommend Application A-19594 be denied.

Sincerely,

Handwritten signature of Laura Kelly in black ink.

Laura Kelly
Governor of Kansas

Handwritten signature of Kris W. Kobach in black ink.

Kris W. Kobach
Attorney General