

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Larry Powell at 8:30 am on Thursday, January 15, 2015, 159-S of the Capitol.

All members were present except:

Senator Michael O'Donnell – Excused

Senator Ralph Ostmeyer – Excused

Committee staff present:

Toni Beck, Committee Assistant

Mark Savoy, Legislative Research

Tamera Lawrence, Office of Revisor

Heather O'Hara, Legislative Research

Mike Heim, Office of Revisor

Conferees appearing before the Committee:

No conferees present

Others in attendance:

[See Attached List](#)

Bill introductions

Chairman Powell opened the floor for bill introductions. Lane Letourneau introduced:

- *Multi-flex account sponsors for water rights
- *Permit changes of water rights
- *Senior impairment of water rights augmentation

Presentation on:

Jim Pitman, KS Department of Wildlife, Parks and Tourism presented a slide program on, The Lesser Prairie Chicken Range Wide Conservation Plan. ([Attachment 1](#))

- *The objective was to preclude the need for a federal listing through voluntary conservation
- *Maintain State G&F Agency management of the LPC
- *Provide exemptions to industry and landowners
- *Provide a pathway to delisting by unifying conservation efforts and establishing goals

Management Scale and Breeding Population Goals are:

- *Establishing four ecoregions

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*Setting ecoregion goals of achievable and sustainable ten year averages

*Establishing a range-wide goal of 67,000 as last achieved in 2006

The Southern Great Plains are crucial to the habitat of the Lesser Prairie Chicken. A Western Association of Fish and Wildlife Agencies (WAFWA) mitigation framework has been established. Any participating company must pay an enrollment fee, follow specific conservation measures, and mitigate for individual projects. A standard method is in place to quantify and value the habitat. These same methods are used for impacts and offsets.

The monetary valuation of habitat formula is: Conservation Fee X Habitat Quality X Mitigation Multiplier X Impact Endowment Multiplier. One unit equals one acre of highest quality habitat. Values are based on the USDA estimated costs/acres to implement needed conservation. Applications are continuously accepted for the WAFWA program. Payments exceed USDA rates by up to 35% for good habitat in high priority areas. There are currently 192 agreements with 176 different companies; inclusive of 155 oil/gas, 19 pipeline, 15 utility, 1 utility and wind, and one telecom. Ten million acres are enrolled.

There are no executed easements as of yet but agreements in place are with; Nature Conservancy, Conservation Fund, Pheasants Forever, Ranchland Trust of Kansas and Texas Agricultural Land Trust. The goal is 25,000 acres in each service area within ten years.

Discussion:

Senator Francisco questioned as to how many companies are involved across the area. Mr. Pitman responded 1/2 of the range. Senator Pyle requested a break down of revenue sources. Mr. Pitman commented all industry companies lease at a rate of \$2.25 per acre for three years for enrollment development. Senator Hawk questioned about the possibility of 50,000 birds in the ten year projection. Mr. Pitman responded 67,000 over the ten year plan. Chairman Powell asked if oil well checks are an issue to the farmers for early morning hours involving the prairie chickens. Mr. Pitman responded checks are not allowed for wells between the hours of 3:00 am. and 9:00 am. to benefit the Lesser Prairie Chicken. The chairman questioned if a new county road would have a problematic impact for the regulations. Mr. Pitman commented normal farming operations that are necessary are allowable. Chairman Powell questioned the impact on the CRP contracts. Mr. Pitman responded the contract can convert back to the grid when the land owner breaks out the ground for crop purposes. It was addressed if law suits are pending due to the Lesser Prairie Chicken conservation program. Mr. Steve Adams, Wildlife, Parks and Tourism, commented, "yes, there are currently five cases." Senator Arpke questioned the location of the program developments. Currently, that information would be a confidentiality concern and disclosed at a later date. Senator Kerschen questioned if the entire area is inclusive. Mr. Pitman responded it is at this time, but may be subject to changes should there be requests or concerns.

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There being no further business, the meeting was adjourned at 9:15 am.