

MINUTES OF THE HOUSE COMMITTEE ON WAYS AND MEANS

The meeting was called to order by Bill Bunten at  
Chairperson

1:30 ~~am~~/p.m. on Wednesday, February 20, 19 85 in room 514-S of the Capitol.

All members were present except: Representative Heinemann (excused)

- Committee staff present:
- Gloria Timmer - Legislative Research
  - Laura Howard - Legislative Research
  - Jim Wilson - Office of the Revisor
  - Sharon Schwartz - Administrative Assistant
  - Nadine Young - Committee Secretary

- Conferees appearing before the committee:
- Representative Runnels
  - John Peterson, Kansas Association of Private Career Schools
  - Oscar Adams, Platt College
  - Gary Talley, Brown-Mackie College
  - Debbie Richardson, student at Platt College
  - Jackie Werth, student at Brown-Mackie College
  - Bob Kelly, Kansas Independent Colleges
  - Susie Schwartz, Kansas Public Transit Association
  - Jack Malone, supervisor of Lift Services
  - Chris Albert, Salina Transportation Service
  - Mike Vincent, President-KPTA
  - Ray Petty, legislative liaison for Assoc. of the Handicapped
  - Jane Nichols, Transportation coordinator for Independent Living Association
  - George Dugger, Department on Aging
  - Ed Martinko, Director-Kansas Biological Survey
  - Representative Fox
  - Jan Garton, Kansas Audubon Council
  - Ron Peters, Great Bend Convention & Visitors Bureau
  - Helen Stephens, League of Women Voters
  - Gerald Horak, Wildlife Society
  - Dennis Harris, Ducks Unlimited
  - Roger Boyd, Kansas resident
  - John Strickler, Chairman of Kansas Non-Game Wildlife Council
  - Gladys Grisell
  - Tom Mosher, Fisheries Society
  - Ted Cunningham, Director of Kansas Outdoors Unlimited
  - Representative Gene Shore
  - Marsha Marshall, Kansas Natural Resource Council
  - Malcolm Moore, Sierra Club
  - Eulalia M. Lewis, private citizen
  - Frank Fritton, private citizen
  - Mike Stewart, private citizen
  - Darrell Montei, Fish & Game Commission
  - Others present (Attachment I)

Chairman Bunten called the meeting to order at 1:30 p.m.

HB 2242 -- an act concerning the Kansas law enforcement training act; amending K.S.A. 1984 Supp. 74-5602 and repealing the existing section.

Representative Runnels appeared before the committee and briefly explained the bill. She spoke on behalf of the Shawnee County delegation who sponsored the bill. It merely adds a phrase that allows city and county employees who have 80 hours at Washburn University, to be exempt from training at the Law Enforcement Center.

Representative Chronister moved that HB 2242 be recommended favorable for passage. Representative Mainey seconded. The motion carried.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON Ways and Means,  
room 514-S, Statehouse, at 1:30 ~~am~~/p.m. on Wednesday, February 20, 1985

HB 2267 -- an act concerning tuition grants; affecting the definition of accredited independent institution; amending K.S.A. 72-6107, 72-6109, 72-6111 and 72-6112, and repealing the existing sections.

John Peterson appeared before the committee and explained the bill. He supports the bill on behalf of private career schools that do not meet the accreditation as our tax supported colleges. (Attachment II)

Oscar Adams also spoke in support of the bill (Attachment III). He said that his schools, such as Platt College provide a very good employment-related education and their graduate placement rate is running between 80 and 90%.

Gary Talley spoke in support of the bill on behalf of Brown-Mackie. He stated that if one of their students did receive a grant and not a job offer, that the school would reimburse the money.

Jackie Werth, a student from Brown-Mackie addressed the committee and asked that they not be discriminated against.

Debbie Richardson, a student from Platt College, also spoke briefly in support of the bill, saying that many of the students are single-parents and their funds are limited.

Bob Kelly appeared on behalf of independent colleges stating opposition to the bill. He feels the amount of money represented in the bill would be insufficient to fund the maximum grant. He expressed the opinion that the question of accreditation should be addressed to the Board of Regents.

HB 2271 -- an act enacting the Kansas elderly and handicapped transportation assistance act.

Susie Schwartz addressed the committee and expressed the position that the Public Transit Association is taking in support of the bill. She said that many of the elderly residing in nursing homes would be capable of returning to the community if appropriate transportation services were available. She provided a list of those states that are now providing assistance in this area. (Attachment IV).

Jack Malone, who is supervisor of the Lift Service in Topeka asked for the committee's support and provided financial statistics for operation of the Lift (Attachment V).

Chris Albert encouraged the committee's support to assist in rural transportation (Attachment VI).

Mike Vincent, President of KPTA, addressed the committee in support of the bill. Committee asked if we are being realistic in the requested \$250,000. Vincent replied that this amount would not meet total needs, but would be a good start.

Ray Petty, legislative liaison for the association of the handicapped also appeared in support of the bill. He said that limitation of services is causing people to curtail their activities and feels that KDOT has not paid enough attention to this area.

Jane Nichols, a resident of Lawrence where she is transportation coordinator urged the committee's support. She feels having the state involved would encourage both city and county to get involved also. City of Lawrence has no service available, however the social agencies do provide some transportation service for the elderly and handicapped.

George Dugger testified on behalf of Department on Aging and provided written testimony (Attachment VII).

Raymond E. Olson provided written document (Attachment VIII) which expresses the view of the Office of Public Transportation.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,  
room 514-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Wednesday, February 20, 19 85

HCR 5009 -- concerning Cheyenne Bottoms wildlife area; recommending appropriation of moneys to finance a feasibility study. and  
HB 2359 -- concerning Kansas fish and game commission; relating to a feasibility study of Cheyenne Bottoms wildlife area; making appropriations for the fiscal year ending June 30, 1985.

Chairman recognized Representative Fox who explained the provisions of the resolution and the bill. The resolution is a follow-up to the bill which would provide money to finance a study to see if anything can be done to preserve the area.

Chairman Buntin, announced that since there were so many people present to testify, that he would hear from out of town people first and then take the local people, as time permits.

Jan Garton addressed the committee on behalf of the Audubon Council and provided written documents (Attachment IX).

Ron Peters, Director of Great Bend Convention and Visitors Bureau, appeared in support of the bill and provided a written statement (Attachment X).

Helen Stephens read a statement (Attachment XI) representing the views of Leage of Women Voters which suggests an amendment be added which would instruct Fish and Game to report back to the appropriate legislative committee their findings and recommendations for future remedies.

Gerald Horak appeared and provided a handout in support of the bill on behalf of the Wildlife Society. (Attachment XII).

Dennis Harris, representing Ducks Unlimited, appeared in support of the bill and provided a written statement (Attachment XIII). He pointed out that his organization provides matching funds to Fish and Game to aid in the preservation of wetlands throughout the nation.

Edward A. Martinko, State Biologist, stated the views of the Kansas Biological department and urged the committee's support (Attachment XIV).

John Strickler provided a written statement on behalf of Nongame Wildlife Advisory Council in support of HB 2359 (Attachment XV).

Gladys Grisell read a statement prepared by Elmer Finck, PhD who is vice-president of the Kansas Ornithological Society which supports the bill. (Attachment XVI).

Tom Mosher provided a statement which explains the position that Fisheries Society is taking (Attachment XVII).

Ted Cunningham, Director of Kansas Outdoors Unlimited, addressed the committee and expressed opposition to the resolution as it is written and wants to amend the part that refers to general fund monies. He does however support the bill. He feels it is time that the general public helps fund the study.

Representative Eugene Shore addressed the committee and read a statement (Attachment XVIII) which expresses his opposition. As chairman of the Research Committee, he is concerned that passage of the bill would circumvent some of the basic reasons for having a water research committee.

Chairman continued with hearings of testimony in support of the legislation. Marsha Marshall testified in support of the resolution and the bill (Attachment XIX).

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,  
room 514-S, Statehouse, at 1:30 a.m./~~p.m.~~ on Wednesday, February 20, 1985

Malcolm Moore presented a statement in support of the study which gives a background of the Cheyenne Bottoms Wildlife area (Attachment XX).

Eulalia Lewis, a private citizen, addressed the committee in support of the study (Attachment XXI).

Frank Fritton spoke briefly and provided a handout in support of the bill. (Attachment XXII).

Mike Stewart spoke expressing his views as a hunter and a fisherman and told about the majesty he experienced during his visit as a child to the area.

Darrell Montei, representing the Fish and Game Commission was the last person to address the committee in support of this legislation. He said the study would address everyone's needs and give a clear direction of where to go in the future. Asked if Fish and Game would be able to administer collection of funds if a private contribution program was instituted, he replied that Fish and Game could handle such a campaign.

The following people provided written testimony, but did not appear in person:

Michael J. Byington, Kansas Association for the Blind (Attachment XXIII)  
in support of HB 2271.

Dean Wilson, Kansas Canoe Association (Attachment XXIV) in support of HB 2359.

John Miorandi, private citizen, (Attachment XXV) in support of HB 2359.

Meeting adjourned at 3:30 p.m.

Date 2-20-85

Name	Address	Representing
Jimmie L. Lipe	Manhattan Ks 66502	Kans. Assoc. of Prof. Soc.
Gary Talley	Box 1587 Salina	The Brown Mackie College
Jacqueline Wirth	130 1/2 S. 5th Salina	The Brown Mackie College
Laura Ryan	137 August Salina, Ks	Brown Mackie
Shelley MacKinnon	149 Hoover Salina	Brown Mackie College
Kodung Kopp	201 So. C Herington Ks.	Brown Mackie College
Daniel J. Wondercheck	401 N. E. 7th Abilene Ks	Brown Mackie College
Debbie Thompson	149 Hoover Salina	Brown Mackie College
Diane Schutte	149 Hoover Salina	Brown Mackie College
Shawna Roberts	Larin Ks.	Larin High School
Leighton J. Miller	Ulysses Ks.	Lakin High School
Darby L. Ritter	6115 Smith Pl.	Mulvane Society
Sue Schwartz	2008 Quivira Drive Topeka	Kansas Public Transit Assn
Barb Mitchell	873 Merrill	SALINA Ks - Brown Mackie
Danisi A. Munoz	720 Greenbriar Circle, Salina	The Brown Mackie College
Leslie Knowles	Rt. 2 Box 94 Salina.	Brown Mackie College
Pam Bell	111 Springfield, Salina	Brown Mackie College
Pat Spencer	PA 3 Ulysses	Lakin High School
John K. Strickler	2610 Claflin RD, Manhattan, KS	KS Nongame Wildlife Adv. Council
Joel Nichols	1910 Haskell LAUREL, KS	Independence Fnc
Ray Petty	1430 S. Topeka Topeka Ks	DHR/KS ADVISORY COMMITTEE ON EMP. OF THE HANDICAPPED
DAN MCGEE	GREAT BEND	CENTEL
RICHARD P. SWANSON	101 ESTATES SALINA Ks	BROWN-MACKIE COLL
J. H. Mill	8931 Reed, Ro. O.P. Kn	Brown-Mackie
CLANTHA McVee	Suite 609 Capital Tower	Board of Regents
Barbara Rusk	2416 Sunset Ct.	member of Audubon Society

2/20/85

Date 2-20-85

Name	Address	Representing
Frank Gutton	Topeka Ks	Audubon Soc
Tom Mosher	1414 Washington Emporia	Ks Chap Amer Fish. Soc
Jan Barton	219 Westwood Manhattan	Ks Audubon Council
Ron Peters	P.O. Box 400 Great Bend 67530	Great Bend Convention/Visitor Bureau
Quita Fawcett	2700 W. 6th St Topeka	SRS
Sabrina Wells	Topeka	Budget Div.
Eulalia Lewis	128 S Mac Union Topeka	Private Citizen
Madge Small	940 N. W. Topeka	Kans. Ornithological Society
Jerry Horak	RA#5 Box 149C	Wildlife Society
Marsha Marshall	Topeka	Ks. Natural Resource Council
John Nelson	Topeka	Ks Assn. of Private Care Sh.
Ed Reinert	Topeka	Ks League <sup>women</sup> Voters
Bob Reinert	"	Cheyenne Batters Coalition
DEBARAH RICHARDSON	TOPEKA	Ks. ASSN. OF PRIVATE SCHOOLS
Chris E Adams	Topeka	Platt College

TESTIMONY OF JOHN PETERSON  
KANSAS ASSOCIATION OF PRIVATE CAREER SCHOOLS  
HOUSE BILL 2267  
HOUSE WAYS AND MEANS COMMITTEE  
February 20, 1985

Mr. Chairman, members of the Committee, my name is John Peterson and I am appearing on behalf of the Kansas Association of Private Career Schools. That Association is made up of 16 business, trade or technical schools in Kansas. Those schools provide job training in a wide variety of business and vocational careers to approximately 2,500 Kansas high school graduates each year. As well as being licensed by the state, those schools are nationally accredited by a national accreditation commission approved and recognized by the U.S. Office of Education. They provide this training at no cost to the state; they receive no state or federal tax appropriations. Instead, these schools pay sales, income, property and other taxes. At the same time they provide quality education in training or retraining students for careers in our state.

With the exception of the Kansas Tuition Grant Act, students who choose to attend nationally accredited business, trade and technical schools are treated equally with students who

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choose to attend community colleges, vocational technical schools, independent colleges and state supported institutions. They are eligible for the State Scholarship Program and for the State Higher Education Loan Program, as well as VA, GSL and other programs of student assistance.

The Kansas Tuition Grant Act was established in 1972 to allow Kansas high school graduates to have the full range of options to attend Kansas private as well as public post-secondary educational institutions and to save the state from having to bear the cost of educating those students at state expense. That statute withstood constitutional challenge because the Court found that it was not a program that provided assistance to particular institutions, religious or otherwise, but that it provided assistance directly to Kansas students. Unfortunately, with the current statutory definition of eligible institutions a Kansas high school graduate who wants to attend a Kansas school and who has the requisite financial need, is only eligible to use that tuition grant to attend a two or four-year independent college, virtually all of which offer liberal arts programs.

Over the past few years we have seen increasing concern regarding the need for specific job training and its availability



within the state. Each year Kansas spends millions of dollars in direct and indirect aid to vocational technical schools with proposed aid exceeding 19 million dollars for FY '86. Yet, under the definition of eligible institutions we restrict a student under the tuition grant program and require that he or she attend an independent college. That student is prohibited from attending a nationally accredited and state approved program at a private institution offering vocational training which will, in a much shorter period of time than a four-year liberal arts college, provide a student with specific job skills needed in the Kansas marketplace.

It was this kind of discrimination which the Nebraska Supreme Court referred to when they struck down a Nebraska tuition grant law some years ago. They noted in Nebraska v. Swanson, 192 Neb. 125, "If the purpose is to aid needy students in securing a post-high school education, the classification is questionable in another regard. The training in the private school is limited to the academic field. A student desiring to enter a private institution specializing in vocational-type training is not eligible...it appears to us the law does not operate equally on all individuals in the state but singles out a

select few..."

House Bill 2267 amends the definition of eligible institutions to include any nationally accredited Kansas post-secondary institutions. It continues to require that it only be granted to a Kansas resident, that the student must be attending a Kansas institution, that they must demonstrate financial need, and make a financial contribution of their own. It would, however, allow that student the freedom to chose the Kansas post-secondary institution and the type of education that will best serve their needs and the needs of our state's economy.

Thank you for your time and consideration.

RRP021850-9/12dk

ACCREDITATION: IN PURSUIT OF EXCELLENCE

Our institutions are accredited by a regional or national agency designated by the U.S. office of education under the higher education act of 1965, as amended.

MEETING COMMUNITY NEEDS

Our institutions have an impact on their communities beyond their economic contributions.

- a) Our officers and managers are actively involved in meeting their communities needs by participating in community projects.
- b) Our faculty members actively participate in educational associations, continuing education and in-service programs.
- c) Our students work on a variety of civic projects.
- d) Many community groups use our institutional facilities for projects and programs.
- e) Our institutions and employees give generously to United Way and other charitable organizations.
- f) Last but not least, thousands of people profit from attending various seminars on business management sponsored by our institutions each year.

THRIVING IN A TOUGH MARKETPLACE

In contrast to normal trends during difficult financial times and steadily declining student enrollments, our institutions remain financially strong. Our schools have the proud distinction of having balanced operating budgets, good management and active participation in local economies. These institutions continue to attract a growing number of students. Regular student enrollment increased nearly 10% during 1984. Students continue to support these institutions as a cost-effective educational investment.

ENROLLMENT TREND 1978 - 1984

+ 40%

Such growth perhaps makes the strongest statement of all about the values of our members' institutions.

PRICE OF SOUND EDUCATION

Even though tuition is somewhat higher at our schools and colleges, those tuition dollars pay the total cost of a student's education. Our schools receive no federal or state funding. Moreover, since time spent in the postsecondary classroom is time spent out of the marketplace, and since our schools reduce this time to a minimum, students are on the job earning a salary long before many of their counterparts in traditional education. Thus, while individual students are eligible for financial aid, the institutions are not. Although our tuition seems high at first glance, an in-depth look reveals that such an institution is a real bargain (for the student and taxpayer).

Submitted by:

Oscar L. Adams, Jr., President  
Platt College of Topeka

It is with pleasure that I give testimony for the Kansas Association of Private Career Schools to the House Education Committee, relevant to the Tuition Grant Bill.

Our institutions with their specific oriented programs fill a need not always served by traditional institutions. Here are a few distinctive points about our schools and their students.

FACTS

- a) Our institutions cover 100% of the cost of education through tuition and fees.
- b) 53% of our students are 22 years old or older.
- c) 76% of our students come from families with income below \$12,000.
- d) 54% of our students are not supported by their parents.
- e) The average placement rate for 1984 graduates was over 84%.
- f) The average student-faculty ratio was 19:1.

DIFFERENT OPTIONS

Close to 3,000 people of all ages and backgrounds profited from our educational services during 1984. They chose our schools because of the excellent, employment-related education provided. The independent governance of our schools gives them the flexibility they need for curriculum innovation, placement success, and the opportunity to identify and respond quickly to the educational needs in their communities. Our institutions offer special and continuing education programs on weekends, evenings and early mornings. This outreach approach, in addition to traditional on-campus learning, accommodates students at places and times that are most convenient for them, and provides training for those who cannot attend a traditional institution.

2/20/85



HB 2071



201 N. Kansas Ave. • Topeka, KS 66603 • (913)233-2011

POSITION OF  
KANSAS PUBLIC TRANSIT ASSOCIATION  
ON STATE ASSISTANCE FOR  
ELDERLY AND HANDICAPPED TRANSPORTATION

There is a need for expanded low-cost transportation for both elderly and handicapped citizens. The U. S. Department of Health and Human Services has indicated that between 10 and 40% of the elderly residing in nursing homes are estimated to be capable of returning to the community if appropriate services are available. Transportation services can make a big difference in the ability of older citizens and the handicapped to maintain an independent existence outside of institutional settings. Inadequate federal funding poses a substantial threat to the mobility of these individuals.

Section 18 and 9 federal funding has resulted in bus and van programs which carry Kansans in locations throughout the state. Section 18 provides funding for public transportation in towns with a population of under 50,000. There are nearly 100 city or county recipients of Section 18 funding. Section 9 funds transportation in cities over 50,000. These include Topeka, K.C. & Wichita. Section 18 and 9 require that elderly and handicapped individuals are not excluded from these services. This federal money cannot be used if there is a lack of local matching dollars. Furthermore, Section 9 operators are subject to a fixed federal operating cap which is forcing them to either simply maintain general operations or even worse, reduce these operations. While transit properties are experiencing increases in costs and decreases in federal financial assistance, elderly and handicapped programs are lost in the shuffle. Services go down and fares go up. To assist the elderly and handicapped, transit properties in Kansas must find another source of financial assistance.

Transit Systems across the country when faced with reduced federal funding requested state assistance. 40 states passed legislation to financially assist public transportation. State aid to public transportation has become the rule rather than an exception.

Below is a list of states providing assistance:

- |             |                |                |
|-------------|----------------|----------------|
| Alabama     | Maine          | Oklahoma*      |
| Arizona     | Maryland       | Oregon         |
| Arkansas    | Massachusetts  | Pennsylvania   |
| California  | Michigan       | Rhode Island   |
| Colorado*   | Minnesota      | South Carolina |
| Connecticut | Mississippi    | Tennessee      |
| Deleware    | Missouri*      | Texas          |
| Florida     | Montana        | Vermont        |
| Georgia     | Nebraska*      | Virginia       |
| Illinois    | Nevada         | Washington     |
| Indiana     | New Jersey     | West Virginia  |
| Iowa*       | New York       | Wisconsin      |
| Kentucky    | North Carolina |                |
| Louisiana   | Ohio           |                |

\*Rural States surrounding Kansas

The bill we are introducing to the Kansas Legislature will provide state financial assistance to nearly 100 city or county Transit properties enabling them to reduce fares paid by the elderly and handicapped and increase elderly and handicapped transportation services.

Handwritten signature and date: 1/20/85

AB 2271

Jack Malone

## Lift Service in Topeka, Kansas

A demand/responsive transportation system for the elderly and handicapped in Topeka. System Operation - Monday thru Friday 6:30 A.M. to 6:30 P.M. System Usage - Used for transportation to work, school, medical facilities, or personal business trips. Cost of Service - \$1.50 per passenger one-way and buses can be chartered for group usage at \$25.00 an hour.

### First Half 85' Fiscal Year Passenger Figures

473 weekly one-way rides. Of these rides 80% were work trips, 12% medical trips, 5.7% school or rehabilitation trips, and 2.1% personal business trips.

### Estimated 85' Fiscal Year Budget Figures

Revenue \$29,655.00

Direct Expenses \$117,291.00

Total Deficit Figures \$87,636.00

Deficit Funding thru Department of Transportation 50%, Mill Levy 18%, and Revenue Sharing 3.2%.

The above direct expenses does not include "Overhead Expenses." "Overhead Expenses" consists of Insurance, Utilities, Marketing, Staff Salaries, Mechanic's Salaries, Management Salaries, Legal Expenses, Etc.

The \$1.50 per passenger paid by users for one-way rides was actually only 28% of the actual per ride cost to the Lift Service.

Some elderly and handicapped people in the Topeka area are fortunate enough to have the physical ability to use our regular bus system. More than 90,000 elderly and handicapped people are recorded in using the regular Topeka bus system the first half of Fiscal year 85'.

The money from this bill would assist us in maintaining, if not reducing, the below rates already being charged to the elderly and handicapped. It could also assist in expansion of the services for the ever consistent demand unmet because of budget constraints.

This bill has both philosophical and financial merits. It would assist the elderly and handicapped to either become or remain independent, self-supporting citizens. This in turn would give the state of Kansas more citizens providing state income thru taxes. Less number of citizens would become or remain dependent to the state of Kansas for survival thru social and welfare state programs.

2/20/85

TO: House Ways and Means Committee  
 FROM: Chris Albert, Transportation Manager, OCCK and  
 Vice-president, Kansas Public Transit Association  
 DATE: February 20, 1985

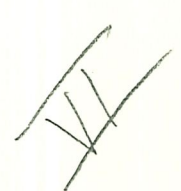
The Occupational Center of Central Kansas, Inc. (OCCK) operates a rural mass transit system in eight counties of north central Kansas. One hundred fifty-four thousand miles were driven to provide 85,000 rides to a population comprised primarily of handicapped children and adults.

Based on the results of a 1984 community-wide survey in Saline County, it has been determined that an additional 25,000 rides per year are needed in the Salina area alone by three population groups - handicapped, low income, and elderly. OCCK's Strategic Plan has included plans to expand its capabilities to provide evening and weekend transportation to this same population.

OCCK currently has limited resources to provide that needed service, and working in conjunction with other community resources have not been able to resolve the dilemma.

We strongly encourage your support for the \$250,000 allocation of funds for rural transportation for the elderly and handicapped.

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TESTIMONY ON H.B. 2271  
TO HOUSE COMMITTEE ON WAYS AND MEANS  
BY KANSAS DEPARTMENT ON AGING  
FEBRUARY 20, 1985

Bill Summary:

Enacts the Kansas elderly transportation assistance act.

Bill Provisions:

1. Provides financial assistance to transportation systems receiving federal funds under Sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended, who provide transportation services to the elderly and handicapped at below cost rates.
2. Directs the Secretary of KDOT to allocate appropriated funds based on ridership and cost.
3. Requires KDOT to develop rules and regulations to implement this Act.

Bill Testimony:

The Kansas Department on Aging supports a transportation system for the elderly and handicapped that is both affordable and available. We are not sure that H.B. 2271 as written contributes to these goals. H.B. 2271 excludes transportation services funded by Section 16(b)(2) of the Urban Mass Transportation Act which are exclusively for the elderly and the handicapped. In addition this bill does not specify the amount, source or ultimate allocation of the requested transportation assistance funds.

If State funds are to be used to improve the availability of transportation services to the elderly and handicapped, then providers of transportation services under Section 16(b)(2) should be included. This is appropriate not only because they specifically serve the elderly and the handicapped but also because they only receive federal funds to defray capital costs while Section 18 providers receive federal funds to defray capital, operations, and administrative costs.

Transportation services are important to the elderly as they allow older persons access to other vital services. We are not sure, however, that H.B. 2271 clearly addresses the transportation problems of Older Kansans.

*George Dugger*

*2/20/85*



To Michael F. O'Keefe, Director *mk*  
Division of Planning and Development

KANSAS DEPARTMENT OF TRANSPORTATION

MEMORANDUM

From: Raymond E. Olson, P.E., Chief  
Bureau of Rural and Urban Development

Re: House Bill 2271

Date: February 18, 1985

The Office of Public Transportation administers funds for Section 18 and Section 16(b)(2), which are funded entirely from Federal funds. Projects for administration (Insurance and advertising) and Capital (Purchase of Vehicles) are funded at 80 percent Federal funds and 20 percent local funds. Projects for operation of transportation vehicles is funded at 50 percent Federal funds and 50 percent local funds.

Representatives from KDOT met with Carol Ketcherside and Richard Ruddel of the Topeka Metropolitan Transit Authority (TMTA) the first part of February. At that time, they informed us that they were trying to find someone to introduce what was to become House Bill 2271.

The bill does not provide direction for the Secretary of Transportation to take in distribution of funds.

The bill refers to the Kansas elderly and handicapped transportation assistance act and federal funding for Section 18 and 9 of the Urban Mass Transportation Act of 1964. The concern is that it does not mention Section 16(b)(2) which provides assistance of Capital to elderly and handicapped. Section 18 also provides assistance to the general public; the bill refers only to elderly and handicapped.

Depending on the amount of additional funding and the procedures which will be developed for distributing these funds, considerable additional administrative time could be required.

In Section 4, the bill refers to allocation of moneys based upon ridership and cost. Section 18 supports an average cost per mile driven of \$0.2747 and average cost per passenger of \$0.8576. Figures for Section 16(b)(2) are not available. The concern is that in the small rural areas, the costs are proportionately higher and the ridership lower than in larger rural and urban areas. The dollar effect upon the budget would depend upon how much funding would be used for this additional public transportation and the time which might be necessary for administration.

The current staffing and operating expenditure levels could be increased if major distributions were allocated to this program.

It was our understanding from the meeting with TMTA that funding was to be requested from the General Fund, however, House Bill 2271 does not indicate this. If the program is financed from the Highway Fund, the effect of the bill would be less money for roads, streets and bridges.

*2/20/85*

Jan Barton

## SAVING CHEYENNE BOTTOMS

a statement on wetland preservation

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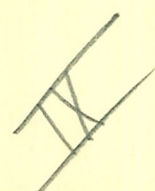
The Kansas Audubon Council

Wetlands are vital, diverse and highly productive habitats. We know them as swamps, marshes, bogs, wet meadows or prairie potholes, but they all are adept at providing essential shelter, food, and nesting sites for all kinds of wildlife and aquatic populations. This alone makes their preservation critical, yet wetlands have many other values as well. Some wetlands help maintain water quality by filtering out sediments and pollutants; they control flood damage and soil erosion. Other wetlands recharge groundwater supplies, and contribute to regional economies through timbering, grazing, commercial fishing and recreational activities. All are marvelous outdoor laboratories for learning about the natural world, and their gift of space for solitude and quiet reflection is largely under-appreciated.

Wetlands are rare in Kansas now. Less than 5% of Kansas is wetland habitat, with most of it concentrated in a narrow north-south band through central Kansas. Even so, Cheyenne Bottoms is said to be the largest marsh in the entire Central Flyway, representing an abundance of wildlife opportunities uncommon to many of the nation's most famous wildlife refuges. Over 300 kinds of birds have visited the Bottoms.

Now, Cheyenne Bottoms is in real trouble. Unless there are August deluges in the Great Bend area, the Bottoms each fall goes dry. While this seems to repeat an ancient pattern where the Bottoms was dry more often than wet, that historical yardstick no longer applies to today's situation. The Bottoms as a permanent

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marshland may be less than thirty years old, but migrating populations of ducks, geese, shorebirds and songbirds numbering in the millions have come to depend on it heavily during their long seasonal flights.

That dependence has been fostered by the nationwide destruction of wetlands. Each day, the United States loses 1,250 acres of wetlands. Every ten days, an area the size of the marsh at Cheyenne Bottoms disappears. From the time the Bottoms began to be developed as permanent wetland habitat in 1955, through 1978, Kansas lost 40% of its other wetland acres, including very large lowlands near McPherson and Talmo. Sixty percent of North Dakota's wetlands are gone, as are 35% of South Dakota's. Wetlands once covered 94,000 acres of Nebraska's Rainwater Basin, but now there are only 8,400 acres left, and these are not all protected. Cheyenne Bottoms, with its marshland occupying nearly 12,300 acres is highly significant as a national resource.

The picture is very clear -- there are no other places for displaced wildlife to go. As essential habitat disappears, so do wildlife numbers -- from production losses, stress, competition, starvation or disease.

Cheyenne Botoms is a critical part of a network of wetlands that still stretches from Central America to Canada. While we should restore and preserve the Bottoms because of its value to Kansas, we must keep it alive to preserve the life and health of the populations of migrating and resident birds and other wildlife that have made the Bottoms their temporary or permanent home for thousands of years.

Aldo Leopold once wrote of the faith required for a migrating bird to take wing toward spring:

"A cardinal, whistling spring to a thaw but later finding himself mistaken, can retrieve his error by resuming his winter silence. A chipmunk, emerging for a sunbath but finding a blizzard, has only to go back to bed. But a migrating goose, staking two hundred miles of black night on the chance of finding a hole in the lake, has no easy chance for retreat. His arrival carries the conviction of a prophet who has burned his bridges."

The Kansas Audubon Council urges the legislature to keep open that hole in the lake we know as Cheyenne Bottoms. Kansans made a commitment to the Bottoms thirty years ago; now we must reaffirm it.

Jan Garton, president  
Kansas Audubon Council  
219 Westwood Road  
Manhattan, Ks. 66502

## MANAGEMENT OF CHEYENNE BOTTOMS WILDLIFE AREA

To understand marsh management, one has to first understand just what a marsh is. Marshes are generally recognized as wetland areas being flooded with variable but generally shallow water depths, either seasonably or continuously, and include a diverse and abundant presence of both plant and animal life. Marshes are nutrient rich and therefore can be extremely productive; very complex in their makeup and dynamic in their nature. Marshes are fragile ecosystems sensitive to changing conditions, whether they be climatic or man imposed. Marshes should be distinguished from lakes, reservoirs and stock ponds. Such structures generally have water that is too deep, which prohibits the development of marshland habitat.

Wetlands serve the needs of migratory wildlife in many ways and in varying degrees for different species. It is generally accepted that wetlands are at their most productive state, particularly for migratory waterfowl, when plant life occupies approximately 50 percent of the marsh area and open water area the remaining 50 percent. The plant communities should be relatively small in size and very interspersed throughout the water area, creating as much plant community-water edge as possible. Of course, the plant life has to be of the type that is useful to marshland wildlife. It is unrealistic to expect natural unmanaged wetlands to sustain maximum productivity over long time periods. Natural wetland productivity is quite variable, responding to varying biotic and abiotic influences.

Cheyenne Bottoms location within the Central Flyway is such that it principally serves the life requirement needs of migratory wildlife. The wildlife area should be distinguished from wetlands that provide for production needs or wintering needs of migratory waterbirds. Management therefore is directed primarily toward the production of food producing plant life on the area. It should be understood that management directed toward one objective can be inclusive or exclusive of other life requirements, particularly of other marshland wildlife.

The establishment of food producing plant life is accomplished through various management techniques. Marsh managers have utilized water level manipulation on wetlands as one of the simplest, most successful and cost effective techniques available in establishing food plants. Lowering

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water levels or completely drying a marsh out can, when done at the proper time, result in establishment of desirable, natural occurring plant life. Once established, the vegetation should be reflooded to sustain or continue its development or simply make it readily available to migrating waterfowl. Normally at Cheyenne Bottoms, the establishment of natural occurring food plants, brought about by the drawdown, is augmented by aerial seeding Japanese millet, a food plant preferred by waterfowl.

Drawdowns at Cheyenne Bottoms can be part of the management activity or natural occurring, the result of high evaporation losses in the face of low or no water inflows. Drawdowns, whether partial or complete, intentional or natural occurring, can and usually do, to some degree, result in the establishment of problem or "weed" species. Timing of drawdowns and the rate of drawdowns can be critical in determining the kinds of plant life established. When "weed" species begin to occupy significant portions of a wetland then marsh managers have utilized flooding, usually throughout the growing season, to deep depths as a method to control "weed" species. Most marsh plant species cannot survive in deep water over a very long time period. Thus it is possible for prolonged deep water flooding to be as destructive to wetlands as drought.

Manipulation of water levels is a major tool in marsh management being contingent upon: 1) water being available in significant enough volume to affect the area being managed; 2) the physical ability to get water either on or off the managed area in a timely fashion; and 3) the physical ability to manipulate the water to the desired depths.

Conventional agricultural equipment and practices are utilized in establishment and management of desirable food producing plant life on Cheyenne Bottoms. Likewise, agricultural equipment and practices are utilized to control "weed" species. Use of such equipment and practices dictates a complete drawdown and drying out of the marshland. Wetlands, because of their very nature, are at best difficult to farm. Such effort is generally costly in comparison to water level manipulation and generally results in below average crop production to no crop production. Wetlands attract and support many more species in far greater numbers than a comparative amount of cropland. It is common to find waterfowl utilizing cropland that is in conjunction with wetlands. There are, however, millions of acres of cropland that receive no waterfowl use because there are no wetlands nearby.

In recent years control burning has become an important wildlife management tool at Cheyenne Bottoms. Its primary application has been to aid in the control of cattails thereby opening the marsh up and allowing for establishment of desirable food providing plant life. Fire, used in combination with water level manipulation (flooding), has provided control over cattail stands in less time and with less water. One of the major advantages to control burning is that it is cost effective.

The use of fire has become essential at Cheyenne Bottoms due in part to the lack of water and the inability to manipulate water depths deep enough to control problem plant species. Fire is a fickle management tool and control burning at Cheyenne Bottoms is always difficult. To successfully burn on the marsh, weather conditions must be such that the relative humidity and the subsequent fuel moisture are low and in combination with moderate to strong wind velocities. Weather conditions that result in fewer smoke management problems often result in more fire management problems and conversely, weather that results in more smoke management problems has fewer associated fire management problems. The public's perception of control burning is understandably one of concern. However, a strong information and education effort is resulting in a growing public acceptance of the control burning program as a wildlife habitat management tool.

Cheyenne Bottoms has to be considered a unique asset to the people of the State of Kansas. To the wildlife that utilize the area, it is more than that, Cheyenne Bottoms provides essential life requirements.



**Technical Review of  
Cheyenne Bottoms Wildlife Area**

Purpose: The purpose of this study is to review the design, operation and use of the Cheyenne Bottoms Wildlife Area and assess its impacts on wildlife, water supplies, local residents and users. The study will investigate various operational alternatives with the use of a hydraulic computer model of the area. This model will also be used to evaluate various structural modifications and can be used as a future management tool.

The project will be divided into 4 major tasks within which there will be subtasks that further identify the activities that will take place during performance of the major activities.

The Cheyenne Bottoms has over the years generated much interest in its natural resources. Because of this interest much data has been gathered about the area's design, operation, management and those factors that have impacted these conditions. Gather and assimilate this data for development of a computer model.

**TASK 1 - DATA GATHERING AND DATA REVIEW**

- 1A. Obtain original construction plans and review for design parameters.
- 1B. Gather and review hydrologic history including flow, rainfall, storage and discharge.
- 1C. Mapping of the area will require the gathering of data via surveys and aerial photos.
- 1D. Review past management plans and goals.
  - 1. Obtain aerial photographs of the study area at 12,000, 6,000 and 2,400 feet.

2. With the use of the aerial photographs develop a topographic map of the study area with 1 foot contours.
  3. For wet areas develop a topographic map using sounding from a boat and electronic measuring equipment.
- 1E. On site inspections will be necessary to determine current conditions of structures and facilities.
1. Review in the field the size, condition and operational flexibility of the water transfer system including channels, gates, pumps, etc.
  2. Develop estimate of hydraulic capability of the various components within the system.
- 1F. An important subtask will be the development of an advisory group and public input mechanisms. This group will be involved throughout the study providing input, review, analysis and recommendations. They will be a major factor in the study project.
1. Obtain input from task force, State and Federal agencies, local residents and users as to the goals and objectives for the area.
  2. Develop combination of usages that are compatible, workable and possible to be obtained.
- 1G. Review and evaluation of both surface and subsurface water rights will be performed.
1. Review impact of Junior Surface water rights on the KF&GC water rights.
  2. Review impact of unauthorized surface appropriation on the KF&GC water rights.

3. Review impact of Junior Subsurface water rights of the KF&GC water rights.
  
- 1H. Identify the activities of other water groups (watershed, groundwater boards, etc.) in the vicinity.
  
- 1I. The influences of the Cheyenne Bottoms on the local economy will be reviewed.
  
- 1J. Review the major usages of the area.
  1. Hunting and fishing use
  2. Wildlife observations
  3. Other
  
- 1K. Gather data and review the conditions of the wildlife habitat.
  1. Migrants
  2. Permanent residents
  3. Seasonal habitats
  4. Year round habitats
  
- 1L. Gather and review information on current management problems and/or limitations.

After the initial task has been concluded the information gathered will be placed in a computer data format in order that the second major task can be initiated. Task 2 will be one of alternative formulation and evaluation process.

#### TASK 2 - OPERATIONAL COMPUTER MODELS WILL BE DEVELOPED

- 2A. Develop computer model of the Bottoms to accurately predict hydraulic operation and expected water quality. The model shall address but not be limited to:
  1. Inflow hydrographs
  2. Structure capabilities
  3. Seepage

4. Evaporation
5. Groundwater recharge
6. Influent water quality
7. Effluent water quality

2B. Test the model using past experience to assure its accuracy.

2C. Future condition of the area will be developed.

1. Develop estimated conditions of the Bottoms for the following time frames:
  - a. 10 Years - 1995
  - b. 20 Years - 2005
  - c. 50 Years - 2035
2. Review those species that will suffer the greatest impacts assuming the conditions as developed above.
3. Address species management conflicts that will be experienced under these conditions.

2D. The availability of future water supplies will be estimated.

1. Develop estimate of available water supplies for use in the Bottoms for the following time frame:
  - a. Current - 1985
  - b. 5 Years - 1990
  - c. 10 Years - 1995
  - d. 20 Years - 2005
  - e. 50 Years - 2035
2. Develop deviations from normal flows that might be expected to account for droughts or floods.
3. Review potential for supplemental water supplies:
  - a. Construction of small storage reservoirs.

- b. Interbasin transfer from existing structures.
- c. Groundwater.

4. Review relationship of aquifer recharge potential from surface sources in the study area.

Once the computer data base is completed it will then become possible to accurately model the effects that various operational alternatives will impart. By operating in this fashion the interactions of several different parameters can be investigated.

### TASK 3 - IDENTIFICATION OF OPERATIONAL ALTERNATIVES

3A. Using the computer model and the existing structures, review various operational alternatives. In conjunction with these alternatives review the effect of various frequencies flood and drought conditions.

3B. Using the computer model investigate various structural alternatives and their relationship to operation, drought and flood conditions.

Alternatives to include:

- 1. Modification to inlet channel
- 2. Additional water supplies
- 3. Dike modifications
- 4. Pool modifications
  - a. Additional depth
  - b. Reduced area
  - c. Additional islands
- 5. Modification to outlet channel

3C. The impacts and interactions that the potential operational changes will have on the following parameters will be investigated:

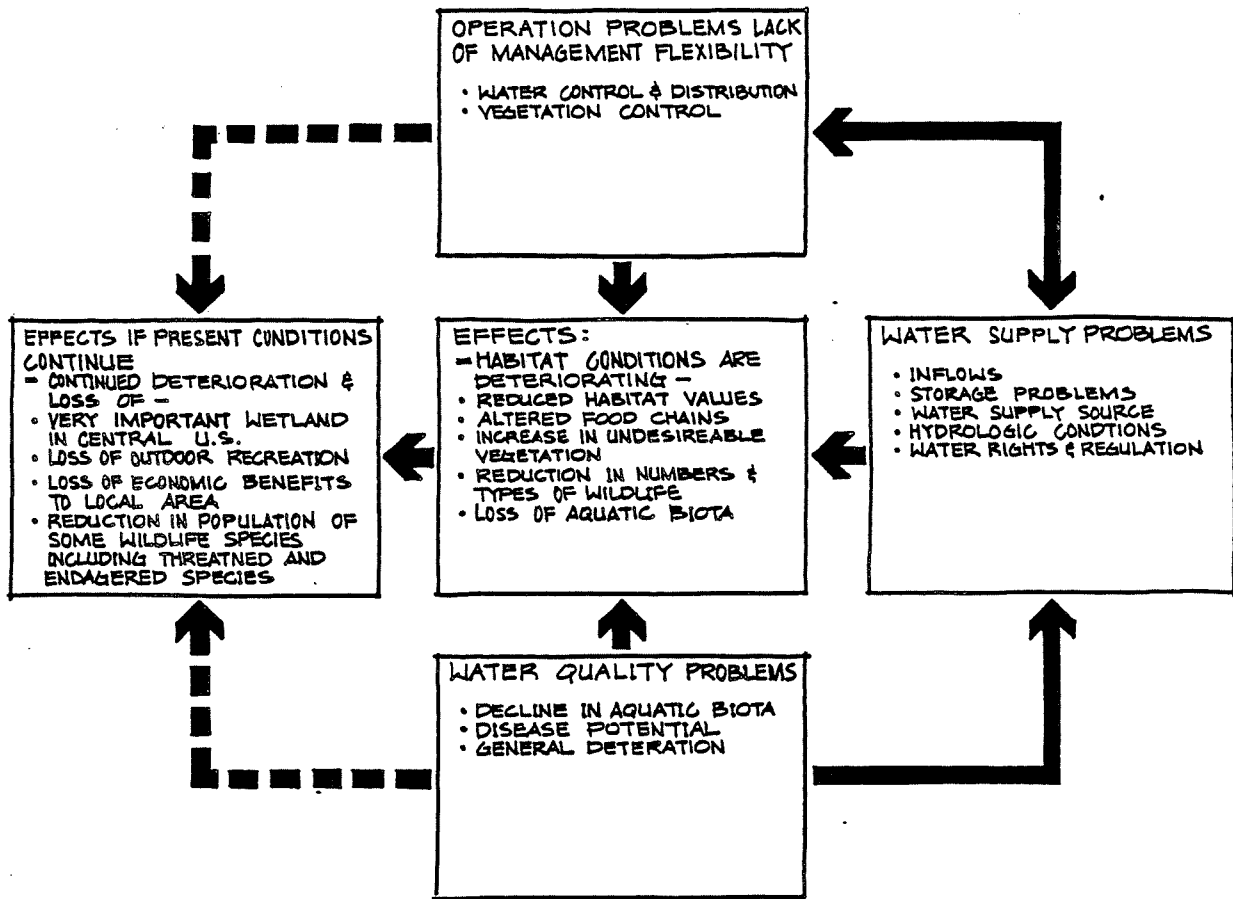
- 1. Wildlife habitat & modification
- 2. Water rights
- 3. Water requirements
- 4. Upstream & downstream hydrology

5. Economic impacts
6. Land requirements
7. Potential effects of oil & gas production
8. Cost estimations
9. Structural and operational modifications
10. Describe necessary changes

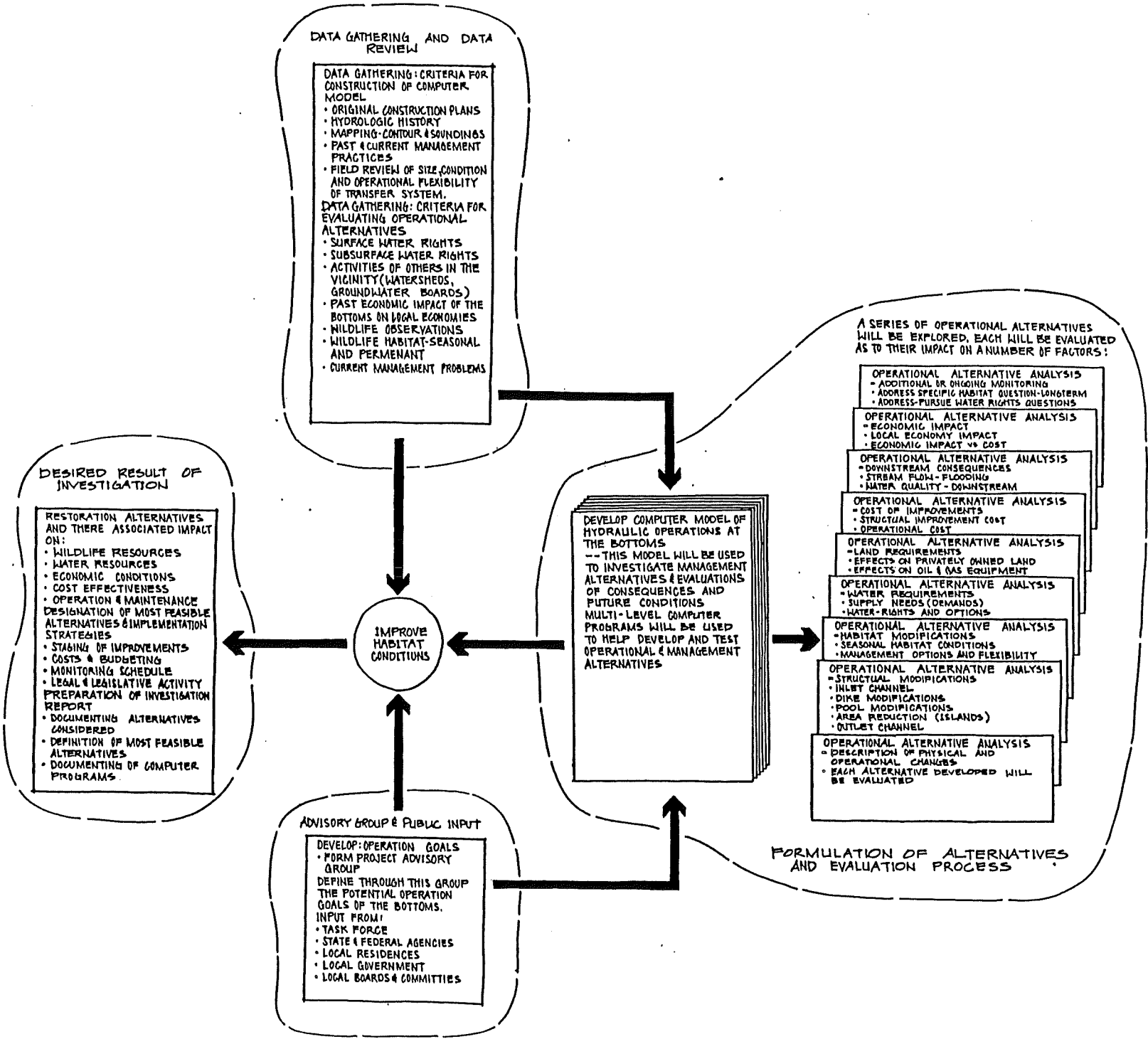
Once the alternative evaluation process has been completed the final task can be initiated. It is in this task that the alternatives will be presented and the most feasible alternative will be identified. In addition, implementation strategies will be formulated.

#### TASK 4 - DESIRED RESULTS OF INVESTIGATION

- 4A. Presentation of alternatives and their impacts on:
  1. Wildlife resources
  2. Water resources
  3. Economic conditions
  4. Cost effectiveness
  5. Operations & maintenance
  
- 4B. Identify the feasible alternatives and implementation strategies and other requirements.
  
- 4C. A final report will be submitted documenting alternatives evaluated, computer programs and defining the most feasible alternatives.



NOTE:  
THIS DISPLAY SHOWS HABITAT CONDITIONS ARE INTERRELATED WITH A LARGE NUMBER OF DIFFERENT FACTORS.



**DATA GATHERING AND DATA REVIEW**

**DATA GATHERING: CRITERIA FOR CONSTRUCTION OF COMPUTER MODEL**

- ORIGINAL CONSTRUCTION PLANS
- HYDROLOGIC HISTORY
- MAPPING-CONTOUR & SOUNDINGS
- PAST & CURRENT MANAGEMENT PRACTICES
- FIELD REVIEW OF SIZE, CONDITION AND OPERATIONAL FLEXIBILITY OF TRANSFER SYSTEM.

**DATA GATHERING: CRITERIA FOR EVALUATING OPERATIONAL ALTERNATIVES**

- SURFACE WATER RIGHTS
- SUBSURFACE WATER RIGHTS
- ACTIVITIES OF OTHERS IN THE VICINITY (WATERSHEDS, GROUNDWATER BOARDS)
- PAST ECONOMIC IMPACT OF THE BOTTOMS ON LOCAL ECONOMIES
- WILDLIFE OBSERVATIONS
- WILDLIFE HABITAT-SEASONAL AND PERMANENT
- CURRENT MANAGEMENT PROBLEMS

**DESIRED RESULT OF INVESTIGATION**

- RESTORATION ALTERNATIVES AND THERE ASSOCIATED IMPACT ON:**
- WILDLIFE RESOURCES
  - WATER RESOURCES
  - ECONOMIC CONDITIONS
  - COST EFFECTIVENESS
- OPERATION & MAINTENANCE DESIGNATION OF MOST FEASIBLE ALTERNATIVES & IMPLEMENTATION STRATEGIES**
- STAGING OF IMPROVEMENTS
  - COSTS & BUDGETING
  - MONITORING SCHEDULE
  - LEGAL & LEGISLATIVE ACTIVITY
- PREPARATION OF INVESTIGATION REPORT**
- DOCUMENTING ALTERNATIVES CONSIDERED
  - DEFINITION OF MOST FEASIBLE ALTERNATIVES
  - DOCUMENTING OF COMPUTER PROGRAMS

**IMPROVE HABITAT CONDITIONS**

**ADVISORY GROUP & PUBLIC INPUT**

- DEVELOP OPERATION GOALS**
- FORM PROJECT ADVISORY GROUP
- DEFINE THROUGH THIS GROUP THE POTENTIAL OPERATION GOALS OF THE BOTTOMS.**
- INPUT FROM:**
- TASK FORCE
  - STATE & FEDERAL AGENCIES
  - LOCAL RESIDENCES
  - LOCAL GOVERNMENT
  - LOCAL BOARDS & COMMITTEES

**DEVELOP COMPUTER MODEL OF HYDRAULIC OPERATIONS AT THE BOTTOMS**

-- THIS MODEL WILL BE USED TO INVESTIGATE MANAGEMENT ALTERNATIVES & EVALUATIONS OF CONSEQUENCES AND FUTURE CONDITIONS

MULTI-LEVEL COMPUTER PROGRAMS WILL BE USED TO HELP DEVELOP AND TEST OPERATIONAL & MANAGEMENT ALTERNATIVES

A SERIES OF OPERATIONAL ALTERNATIVES WILL BE EXPLORED, EACH WILL BE EVALUATED AS TO THEIR IMPACT ON A NUMBER OF FACTORS:

- OPERATIONAL ALTERNATIVE ANALYSIS**
  - ADDITIONAL OR ONGOING MONITORING
  - ADDRESS SPECIFIC HABITAT QUESTION-LONGTERM
  - ADDRESS-PURSUE WATER RIGHTS QUESTIONS
- OPERATIONAL ALTERNATIVE ANALYSIS**
  - ECONOMIC IMPACT
  - LOCAL ECONOMY IMPACT
  - ECONOMIC IMPACT VS COST
- OPERATIONAL ALTERNATIVE ANALYSIS**
  - DOWNSTREAM CONSEQUENCES
  - STREAM FLOW - FLOODING
  - WATER QUALITY - DOWNSTREAM
- OPERATIONAL ALTERNATIVE ANALYSIS**
  - COST OF IMPROVEMENTS
  - STRUCTURAL IMPROVEMENT COST
  - OPERATIONAL COST
- OPERATIONAL ALTERNATIVE ANALYSIS**
  - LAND REQUIREMENTS
  - EFFECTS ON PRIVATELY OWNED LAND
  - EFFECTS ON OIL & GAS EQUIPMENT
- OPERATIONAL ALTERNATIVE ANALYSIS**
  - WATER REQUIREMENTS
  - SUPPLY NEEDS (DEMANDS)
  - WATER RIGHTS AND OPTIONS
- OPERATIONAL ALTERNATIVE ANALYSIS**
  - HABITAT MODIFICATIONS
  - SEASONAL HABITAT CONDITIONS
  - MANAGEMENT OPTIONS AND FLEXIBILITY
- OPERATIONAL ALTERNATIVE ANALYSIS**
  - STRUCTURAL MODIFICATIONS
  - INLET CHANNEL
  - DIKE MODIFICATIONS
  - POOL MODIFICATIONS
  - AREA REDUCTION (ISLANDS)
  - OUTLET CHANNEL
- OPERATIONAL ALTERNATIVE ANALYSIS**
  - DESCRIPTION OF PHYSICAL AND OPERATIONAL CHANGES
  - EACH ALTERNATIVE DEVELOPED WILL BE EVALUATED

**FORMULATION OF ALTERNATIVES AND EVALUATION PROCESS**



# GREAT BEND CONVENTION AND VISITORS BUREAU

BOX 400  
1307 WILLIAMS  
GREAT BEND, KANSAS 67530  
PHONE (316) 792-2401



HB # 2359

February 20, 1985

I am Ron Peters, Director of the Great Bend Convention and Visitors Bureau and am writing in regard to House Bill #2359.

Cheyenne Bottoms has always been important to the people of Central Kansas. Hunting and birdwatching are the two main aspects which attract people to the area each year. Both bring people from all across the country; especially from Kansas, Arkansas, Missouri and Oklahoma.

During the hunting season Cheyenne Bottoms is the only public hunting area available to hunters. Duck and geese hunting are especially popular though large numbers are attracted for pheasant season each fall as well.

Birdwatching and wildlife observation are exercised extensively at Cheyenne Bottoms. The Bottoms are a stopping place which sustains resident populations of breeding birds and are located on the central flyway for over three hundred twenty (320) species of birds. Should Cheyenne Bottoms cease to exist it would affect not only Central Kansas, but also the entire central flyway route.

Economically speaking it is difficult to measure the importance of Cheyenne Bottoms in great detail, however we do know that the Bottoms have been the focus of at least six meetings and conferences in Great Bend during 1984 alone. The impact not only is felt by motel, restaurant and service station owners, but by the retail and sporting goods business as well.

In conclusion, the 19,000-acre wildlife refuge area of Cheyenne Bottoms has a positive effect on Central Kansas. The support of this feasibility study is essential in preserving one of the most fascinating wonders of nature in Central Kansas.

2/20/85

# LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

909 Topeka Boulevard-Annex

913/354-7478

Topeka, Kansas 66612

TESTIMONY BEFORE WAYS & MEANS COMMITTEE  
FEBRUARY 20, 1985

Re: Cheyenne Bottoms  
HRC 5009 and HB 2359

My name is Helen Stephens, representing the League of Women Voters of Kansas.

In 1977 and in 1984, League undertook a study of the supply, use and quality of water in Kansas. It is through the efforts of both studies that we stand in support of HRC 5009.

To state that a feasibility study on the Cheyenne Bottoms should be done cannot be overstated or repeated too many times, but a continuing commitment by the State to save the wetland area cannot be done with just a Resolution.

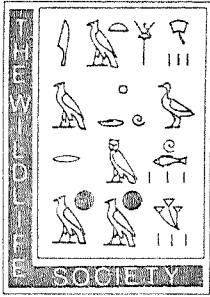
We, therefore, also support HB 2359, which states the study should determine what action is necessary to preserve and protect the Cheyenne Bottoms and allocates moneys for same.

We would hope that an amendment could be added which would instruct the Fish and Game to report back to the appropriate legislative committee their findings and recommendations for future remedies.

Again, we do support both of these measures.

Thank you for the opportunity to speak. If you have any questions, I would be glad to answer them.

2/20/85



## Kansas Chapter

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## THE WILDLIFE SOCIETY

Mr. Chairman and Members of the Committee:

My name is Gerald Horak and I am a member of and represent the Kansas Chapter The Wildlife Society. The organization is made up of professional wildlife biologists, managers, agricultural experts, and educators.

The Kansas Chapter The Wildlife Society supports efforts being made to restore Cheyenne Bottoms marshlands. They encourage the Ways and Means Committee as well as both houses of the legislature to pass HB 2359, which calls for the appropriation of \$200,000 for a feasibility study on Cheyenne Bottoms.

Cheyenne Bottoms is the largest and most important resting and feeding area for migratory water birds in the Central Flyway. From 1970 to 1976 there was a peak of 300,000 ducks and 38,000 geese using the area, while from 1977 to 1983 the peak was only 90,000 ducks and 19,000 geese. In addition, it is critical habitat for the once near extinct whooping crane and is valuable for several other threatened and endangered species such as the bald eagle, least tern, peregrine falcon, and prairie falcon. Cheyenne Bottoms has produced 12,000 to 15,000 waterfowl annually and the only inland breeding population of the mottled duck. The marsh is an important waterfowl hunting area, during peak years accommodating 25,000 man/days of hunting while harvesting 15,000 waterfowl. In recent years, because of deteriorating marsh habitat, only 3,000 man/days of hunting and 2,000 waterfowl are harvested annually.

It is imperative to begin immediate positive action in order to provide for the survival of this natural resource.

I urge you to support this necessary legislation.

Thank you for the opportunity to speak.

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COMMENTS SUPPORTING CHEYENNE BOTTOMS FEASIBILITY STUDY  
KANSAS DUCKS UNLIMITED COUNCIL

Ducks Unlimited, Inc. is a private, non-profit organization dedicated to the preservation of North American waterfowl. DU was founded in 1937 to help restore and rehabilitate prime waterfowl breeding grounds in Canada, where over 70 percent of North America's waterfowl are hatched. These breeding grounds were nearly destroyed as a result of the sudden and massive westward expansion of civilization after World War I and the subsequent cultivation of the land. Severe drought in the 1950's and 1980's has also contributed to the decline of the continental waterfowl population.

Wetlands are more than just places for ducks and geese to produce and raise their young. Wetlands have some of the worlds most productive soils with extremely divergent plant and animal communities. They are the permanent or temporary habitats of dozens of mammalian and fish species and over 300 species of birds including several species of threatened or endangered wildlife.

Wetlands serve as environmental scrub brushes, cleansing polluted surface waters that pass through them. They are the natural absorbers of runoff waters and their presence reduces the potential of flooding from excessive precipitation.

Wetlands in both the United States and Canada have been disappearing at an alarming rate over the past century. It is currently estimated that we lose more than 450,000 acres per year. It is the wetlands in the drier interior portions of the continent that have suffered the greatest losses.

Since its inception, DU has completed more than 2,400 wetland restoration projects in Canada. These projects have benefitted man as well as wildlife by creating a stabilized water supply for agriculture, industry and municipalities. DU has reserved some 3,200,000 habitat acres which provide over 13,000 miles of vital nesting shoreline for waterfowl, while at the same time offering refuge to hundreds of other species of wildlife.

Presently, DU membership stands at approximately 550,000, most of whom have been enrolled by the almost 3,500 DU committees nationwide. Here in Kansas, there are over 10,500 DU members with 75 active fund raising committees. During the past five years Kansans alone have contributed over \$2.8 million to this international effort to preserve wetlands in North America.

More than \$280 million has been raised nationally in DU's forty-seven year history, over \$200 million of which has been spent directly on wetland preservation, restoration and management. The bulk of DU's efforts have been in Canada, but Mexico's vital wintering grounds have also received attention.

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Beginning in 1984, DU began restoring and developing wetland habitat in the United States in cooperation with the U.S. Fish and Wildlife Service (USDI) and the state wildlife agencies in Alaska, Minnesota, Montana, North Dakota and South Dakota.

In 1985, Ducks Unlimited will make funds available to the officially designated wildlife agencies in all states to assist in the restoration of important wetlands. Here in Kansas, approximately \$55,000 will be made available to the Kansas Fish and Game Commission in 1985 on a matching fund basis. This figure represents 7.5% of the funds raised in the state at the "grass roots" level. The amount of money available is certain to increase in the future as Ducks Unlimited continues to grow in Kansas.

These funds will be designated for actual habitat development efforts on approved projects. One such wetland project might logically be Cheyenne Bottoms in Barton County.

Cheyenne Bottoms is the largest and most significant wetland area in Kansas, and is probably the most important state owned waterfowl management area in the Central Waterfowl Flyway. Its demise as a productive wetland as a result of rapidly declining water supplies is well documented.

Cheyenne Bottoms is a local, regional and national wildlife treasure. It should not be permitted to decline further without a major effort to reverse the trends experienced in recent years. The Kansas Ducks Unlimited Council, serving in an advisory capacity to the DU fund raising activities in the state, supports the concept of a feasibility study designed to foster the restoration and preservation of Cheyenne Bottoms as a manageable wetland. The study should be designed to evaluate the causes of the declining water supplies and to determine ways to find alternative water sources, alleviate current losses and design structural or managerial approaches to more efficient use of available water at Cheyenne Bottoms.

Ducks Unlimited looks forward to the opportunity to provide monies for wetland habitat development and enhancement in Kansas. Cheyenne Bottoms should be included in areas proposed for consideration. However, such restoration and development activities can succeed only with a well planned course of action. The feasibility study being proposed for Cheyenne Bottoms will provide the needed information on which to initiate a sound restoration program. The Kansas Ducks Unlimited Council encourages and supports action to authorize and adequately fund such a feasibility study.

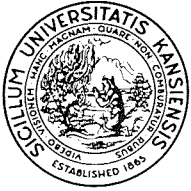
Approved 1-27-85  
Salina, Kansas

KANSAS DUCKS UNLIMITED  
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Dennis Harris, 7735 Washington Ave., Kansas City, KS 66112  
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Steve Schuetz (Sr. VP), 424 N. Market, Wichita, KS 67202  
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# KANSAS BIOLOGICAL SURVEY

The University of Kansas  
Raymond Nichols Hall  
2291 Irving Hill Drive—Campus West  
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Testimony

to

House Ways and Means Committee

concerning

HB 2359 and HCR 5009

by

Edward A. Martinko  
State Biologist  
Director, Kansas Biological Survey

February 20, 1985

2/20/85

XIV

Chairman Bunten, Members of the Committee. I am pleased to have this opportunity to testify on HCR 5009 and HB 2359 in support of a feasibility study of the Cheyenne Bottoms Wildlife Area. As State Biologist and Director of the Kansas Biological Survey, I have a vested interest in sustaining the biological integrity of Kansas' natural resources and would like to address you today to urge adoption of this resolution and bill for the preservation of Cheyenne Bottoms.

There is a growing concern in Kansas and nationally over the documented losses of wetlands due to environmental manipulation. Kansas has an opportunity to help stem this threatening trend by preserving one of the largest inland marshes in the central United States. Cheyenne Bottoms is part of a natural sink covering approximately 64 square miles. Because this natural sink is fed by creeks and streams, an ecosystem has developed that consists of large expansions of open but shallow water. Seasonal drying and periodic nutrient supplies from surface runoff are the optimum conditions for plant growth and high productivity, creating a rich food source that not only makes Cheyenne Bottoms an ideal waterfowl habitat but also provides the resources and conditions for a high diversity of other organisms. As the Bottoms exists today, it represents the largest single freshwater wetland in Kansas. Even though reservoirs and farm ponds have been constructed that give the resemblance of a wetland, their productivities are low and correspondingly their natural diversities are also low.

The known history of the Bottoms as a wetland dates back to battle of the Cheyenne Indians with the Pawnee to preserve the area as an excellent waterfowl hunting grounds for their own use. The importance of Cheyenne Bottoms as a major waterfowl refuge in the north-central flyway has persisted and is, I am sure, well known to you. The Bottoms also provides habitat for the endangered whooping cranes and many nonendangered birds and mammals. Like other remaining wetlands, the Bottoms is also known for its herons and muskrats, blackbirds, shorebirds and ducks. But the biological value of this wetland doesn't stop there -- other wildlife, such as aquatic invertebrates, fishes, reptiles and amphibians call this marsh home.



These animals may evoke a wide range of reactions or attitudes in various individuals, from enjoyment, indifference, and disgust to mere curiosity. However, the ecosystem support roles of these less known components of the marsh are important and critical in maintaining links in the food chain and ultimately the biological diversity and integrity of the area.

The continued existence of Cheyenne Bottoms will benefit all Kansans. The recreational and consumptive uses of Cheyenne Bottoms which include hunting, birding, fishing, hiking and family outings, are the most visible and apparent values of the area. The real value of the Bottoms, however, cannot accurately be measured in dollars spent for recreation and consumptive uses. No value can be easily placed on this wetland for the nonconsumptive uses of the Bottoms which include viewing, smelling, hearing, tasting and feeling. The high scenic quality of the Bottoms is enhanced not only by its inherent beauty but also by its rarity in this State. Too often we fail to recognize the visual, cultural and aesthetic value of wetlands and the important nonconsumptive uses so many Kansans have come to enjoy.

I again strongly urge the committee to support this resolution and bill to preserve Cheyenne Bottoms. As a biologist, I am concerned about the rapid loss of our inland marshes and wetlands. For example, the Nebraska Rainwater Basin, another focal point in the north-central flyway for migratory waterfowl is only 10% of its original size due to cultivation of its fertile soils. Other smaller wetlands in the central US have vanished or been impacted beyond their natural state as well. The fate of Cheyenne Bottoms could well follow this trend if action is not taken in the immediate future.

The Kansas Biological Survey is cognizant of Cheyenne Bottoms not so only for its waterfowl but as a complex wetland ecosystem, that, when kept in balance, provides all the components that maintain the diversity of flora and fauna. Obviously, water is critical for the maintenance of this area for waterfowl and other wetland organisms. It is the Biological Survey's expectation that the proposed feasibility study will address the water issues and other requirements necessary to maintain the basic biological integrity of Cheyenne Bottoms as an important wetland resource in the State of Kansas.

# KANSAS NONGAME WILDLIFE ADVISORY COUNCIL

2610 Claflin Rd.  
Manhattan, KS 66502  
Phone: 913/532-5752  
February 20, 1985

TO: House Committee on Ways and Means  
Representative Bill Buntin, Chairman

FROM: Kansas Nongame Wildlife Advisory Council,  
John K. Strickler, Chairman

RE: HB No. 2359 (Appropriations for Cheyenne Bottoms Wildlife Area Study)

In recognition of the value of the nongame wildlife resource to the citizens of Kansas, the 1980 Kansas Legislature established the nongame wildlife improvement program to be funded by the "Chickadee Checkoff" on the state income tax form (K.S.A. 79-3221d-e). In each of the four completed tax years since this passage, Kansas citizens have demonstrated their commitment to the nongame wildlife resource with generous donations.

The Kansas Nongame Wildlife Advisory Council was established as a citizen advisory group to the Kansas Fish and Game Commission and its Director in the administration of the program. The Council is made up of representatives of the following nine broad-based organizations: (1) Kansas Academy of Science, (2) Kansas Advisory Council for Environmental Education, (3) Kansas Audubon Council, (4) Kansas Biological Survey, (5) Kansas Chapter-The Wildlife Society, (6) Kansas Farm Bureau, (7) Kansas Ornithological Society, (8) Kansas Wildflower Society, and (9) Kansas Wildlife Federation.

Recognizing that the Cheyenne Bottoms provides significant and unique habitat values to nongame wildlife, the Kansas Nongame Wildlife Advisory Council wholeheartedly supports passage of House Bill No. 2359. Appropriation of funds for study of the Cheyenne Bottoms is a necessary step to maintaining this unique and valuable ecological resource for the people of Kansas.

Respectfully submitted,



John K. Strickler  
Chairman

JKS/plp

2/20/85

Do something WILD!

Ornithologists throughout the Central Flyway realize the importance of Cheyenne Bottoms as a major resting stop for migrating birds. John Janovy Jr. in his book Yellowlegs devotes two chapters to Kansas, one to the plains of Kansas and the other to the Bottoms. He speaks of the Bottoms as a one day flight from the Great Salt Plains in Oklahoma another staging area for migrating birds. He writes "Migratory animals always headed for the Bottoms, just as they have always headed for the few other major staging areas along a prairie route to a place called South America." Thus, the Bottoms has international significance for migrating birds. It is the responsibility of the people of Kansas to save this important wetlands.

Many of the rewards of visiting the Bottoms are not easy to measure. What price can you place on the excitement of a boy scout seeing and identifying an American Avocet for the first time; or the thrill of an avid birder who see the Greater Yellowlegs? The serenity and euphoria that one feels after a vist to the Bottoms is not measurable, but it is widespread from the professional ornithologist, the backyard birder, the student, and to the hunter. It important to the well-being of many species of birds and to many people that the Cheyenne Bottoms be preserved. It is such an asset to our state. Let us tell present and future generations of Kansans that we care about them. The Kansas Ornithological Society urges you to fund a feasibility study to find out what our options are to preseve this essential wetland, we call the Bottoms.

Elmer J. Finck, PhD

Vice-president

Kansas Ornithological Society

2/20/85

## KANSAS ORNITHOLOGICAL SOCIETY POSITION PAPER ON THE CHEYENNE BOTTOMS

The Kansas Ornithological Society (KOS) is a state-wide organization of approximately 400 ornithologists. KOS has a diverse make-up from the professional ornithologists at private and state colleges and universities to backyard birders, bird banders, and bird enthusiasts. Some of our members are avid hunters, while others are strong anti-hunters. The diversity of our organization is phenomenal. Our common bond is the desire to enjoy birds from those of us who would like to understand the biology of birds to those of us who just love to see and count birds.

Our interest in Cheyenne Bottoms reflects this diversity. We believe that the people of Kansas should explore ways to determine the feasibility of saving this precious wetlands. Our members are at the Bottoms often. Some of us take classes to the Bottoms to have a rich and rewarding educational experience. Nowhere else in the state can one see such a diversity of bird species in such a small area and observe the birds so close-up that positive identification can be made by even the slowest of students. On any given spring or autumn day 85 - 110 bird species can be seen in and around the Bottoms. The educational value of the Bottoms is valuable to us even beyond the classroom. It serves as an excellent review for those of us who have been birding for a long time.

We are concerned that the Bottoms may be viewed as just another place to hunt or go birding. It is much more than that to us. The Bottoms is a major staging area for migrating birds of all kinds that use the Central Flyway, especially shorebirds and waterfowl. Many rare and unusual sightings of birds in Kansas take place at the Bottoms. Cheyenne Bottoms is certainly one of the ten most important birding spots in the state, as well as an important hunting spot; but it is much more than that.

# American Fisheries Society

ORGANIZED 1870 | INCORPORATED 1910

Position Statement  
of the  
Kansas Chapter of the American Fisheries Society  
Concerning  
CHEYENNE BOTTOMS

Cheyenne Bottoms is an important aquatic resource to Kansas and to the Midwest. The Bottoms supplies critical nesting and feeding habitat to many shorebirds, and provides critically needed resting areas for migratory waterfowl, including the endangered whooping crane. It also supplies habitat for aquatically dependent animals such as molluscs, amphibians, fish and several species of mammals.

Wetlands are an important resource not only to fish and wildlife, but also to the quality of human life. Cheyenne Bottoms has provided many days of recreation to anglers as well as to hunters and other outdoor enthusiasts. However, the number of anglers and fishing quality has deteriorated in recent years. Enhancement of the Bottom's water supply could provide a more stable habitat for fish and therefore supply a better fishery to an area where fishing opportunities are decreasing. Both fishing and hunting have positive impacts to the general economy and quality of life. The loss of these activities would have a negative economic impact not only on Great Bend and Barton County, but on all Kansas.

The existence of Cheyenne Bottoms is currently threatened. The Kansas Chapter of the American Fisheries Society encourages the State of Kansas and the State Legislature to utilize its resources to preserve Cheyenne Bottoms as a functional wetlands for the people of Kansas as well as wildlife.

*Tom Wrasche*

*2/20/85*

*XVII*

TESTIMONY

HOUSE BILL 2359

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I WISH TO OPPOSE HOUSE BILL 2359

THE KANSAS WATER AUTHORITY BELIEVES IF WE ARE GOING TO SOLVE WATER PROBLEMS WHETHER THEY BE MANAGEMENT, CONSERVATION, DEVELOPMENT, OR QUALITY, RESEARCH IS A KEY TOOL IN HAVING TIMELY AND ACCURATE INFORMATION WITH WHICH TO MAKE DECISIONS.

AS CHAIRMAN OF THE RESEARCH COMMITTEE, I AM CONCERNED THAT THIS BILL IF PASSED WILL TEND TO CIRCUMVENT SOME OF THE BASIC REASONS FOR HAVING A WATER RESEARCH COMMITTEE.

IN NOVEMBER 1984 THE KWA RESEARCH COMMITTEE HELD A WATER RESEARCH NEEDS CONFERENCE WHERE OVER 100 PROPOSALS FOR WATER RESEARCH WERE HEARD AND PRIORITIES APPROVED BY THE KWA AND PRESENTED TO THE GOVERNOR. AS A RESULT, THE GOVERNOR RECOMMENDED \$200,000 IN HIS BUDGET FOR HIGHEST PRIORITY WATER RESEARCH.

DUE TO THE LOCAL NATURE OF THE CHEYENNE BOTTOMS STUDY AND THE DEPENDENCE OF THE STUDY UPON STREAM ACQUIFER INTERACTION AND ESTIMATION OF DEPENDABLE WATER SUPPLIES AND DEMAND WHICH WERE GIVEN HIGHEST PRIORITY. THE WETLANDS STUDY INCLUDING CHEYENNE BOTTOMS AND QUIVIRA WILDLIFE REFUGE RECEIVED A MEDIUM PRIORITY. A FACTOR WHICH WAS DISCUSSED WAS THE IMPORTANCE OF THE WETLANDS TO SPORTSMAN AND NATURE LOVERS AND THE POSSIBILITY OF OUTSIDE FUNDING FOR THIS RESEARCH.

I FEEL PASSING THIS LEGISLATION WOULD NOT ONLY SHORT CIRCUIT THE PROCESS OF PRIORITISING WATER RESEARCH, BUT JEOPARDIZE ALL WATER RESEARCH FUNDING.

3/20/85

XVIII

Priority Listing of Research Topics  
(As approved by Kansas Water Authority in their Meetings)

Highest Priority

*State Wide  
significance*

- River Basin Management System study, K Res as one system, not as individual reservoirs
- Dakota Aquifer Study
- Stream Aquifer Interaction
- Estimation of Dependable Water Supplies and Demand
- Legal Aspects of Water

High Priority

- Protection of Fresh and Usable Water Supplies
- Groundwater Information and Analysis System
- Groundwater Studies
- Fate of Chemicals in the Environment and Public Health Issues
- Impacts of Watershed Structures, Land Treatment and Soil Conservation Practices
- Conservation and Efficient Use of Water

Medium Priority

*Local significance  
but very imp.*

- Preservation of Wetlands and Other Ecological Resources
- Identification, Control and Treatment of Saline and Other Marginal Quality Water
- Evaluation of Weather Modification Programs
- Identification and Acquisition of Additional Sources of Surface Water Supplies

# Kansas Natural Resource Council

Testimony  
before the  
House Ways and Means Committee  
on  
HB 2359 and HCR 5009, concerning Cheyenne Bottoms  
presented by  
Marsha Marshall  
February 20, 1985

I represent the Kansas Natural Resource Council, a non-profit public interest organization that promotes sustainable resource policies. Our strong interest in water issues has earned us two research grants this year, one from the Noyes Foundation to study Kansas water law and the other from the Joyce Foundation for water quality research. Understanding the importance of studying issues, especially water issues, before advocating a course of action, we strongly support funding for a Cheyenne Bottoms feasibility study.

Cheyenne Bottoms is an eloquent symbol of statewide water problems. Questions addressed in this feasibility study will give the state valuable information in addressing more comprehensive water issues. For example, questions such as 1) how much water does the region need?, 2) What are the region's resource limits?, and 3) what is the relationship between groundwater depletion and streamflow?---all of these questions have relevance to agriculture. In answering these questions on behalf of Cheyenne Bottoms, we can thus gain insights into solving problems of this state's largest enterprise.

Perhaps the wetlands can be best compared with the canary that miners used to send down mine shafts to test the quality of the environment. If the canary died in the mine, then miners knew they could not survive long there either. I suggest that if we cannot implement policies to ensure the survival of Cheyenne Bottoms, then our survival as we know it in Kansas is imperiled as well.

Finally, KNRC believes wildlife and wetlands are intrinsically important and must be preserved, but the means we choose for preservation must be sustainable in the long run. Methods should be of a nature that can be duplicated by municipalities, industries, and agriculture throughout Kansas.

In other words, we should be able to support actions used to preserve wetlands if others were to undertake them for their own benefit. We do not believe the ends justify the means. Whatever courses we select should be a model for water management by individuals and entities in the entire state.



AIX

2/20/85



Cheyenne Bottoms Wildlife Area

I. Issue

How can Kansas insure the survival of Cheyenne Bottoms as a critical wetland that supports millions of migratory birds annually.

II. Background

Cheyenne Bottoms is a state owned wildlife management area of 19,900 acres, dedicated in 1957, with a permanent marsh of five pools that cover 12,290 acres. When the state purchased the area it constructed a 23 mile canal from the Arkansas river to Cheyenne Bottoms by way of Wet Walnut creek. This was done to supplement historically sporadic water levels at the marsh. However, the mining of groundwater in western Kansas through irrigation has severely lowered the water table and consequently reduced the flow of streams like the Arkansas. The Arkansas river is now dry from the Colorado border to a point near Great Bend, virtually eliminating the water supplied by the canal to Cheyenne Bottoms.

III. Why Is Cheyenne Bottoms Important?

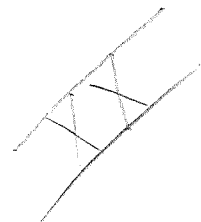
Cheyenne Bottoms is one of the largest inland marshes in the U.S., attracting migratory birds by the millions. As wetlands disappear at the rate of almost one-half million acres a year it becomes vitally important to protect resources like Cheyenne Bottoms. Returning to the historic wet/dry cycle of the marsh will have severe impacts on wildlife populations because of the large loss of habitat that once supported wild populations.

Cheyenne Bottoms also attracts thousands of birders, hunters and tourists to the Great Bend area and helps to boost the economies of local communities.

IV. What Can Be Done To Save Cheyenne Bottoms?

The Kansas Chapter of the Sierra Club supports the proposal to request funding from the Kansas legislature for a feasibility study. In order to make informed decisions on how to save Cheyenne Bottoms it is clear that a feasibility study is necessary to gather data on the problems that face Cheyenne Bottoms today and evaluate all possible options for the efficient management of this wildlife area in the future.

2/20/85



Ways and Means Committee

HCR no.5009

HB no.2359

Greetings,

I am a private citizen who cares a lot about the world around us. I am a member of National Audubon Society, and the Kansas Ornithological Society, both are vitally interested in wetlands and their preservation.

In the original state the Cheyenne Bottoms was an intermittent wet land. In those days there were wetlands from Canada to Mexico and the presence of this particular wet spot was not so crucial as it is today. To make the marsh a reliable stop in the central flyway, the Kansas Fish and Game acquired the land and water rights to the water in the Arkansas River to be diverted into the Wet Walnut and then into the Bottoms. This worked well until the Arkansas River dried up. Now the awareness of the importance of maintaining the marsh as one of the few wetlands available to the birds who migrate, and the supporting fish and animals of that place. This resource includes not only the wildlife, but the people it attracts. The Bottoms is known world wide and just last August the American Ornithologist Union, meeting at KU in Lawrence, had a weekend trip to Cheyenne Bottoms. This group included people from Sweden, Scotland and Americans from the whole US. They were highly impressed and saw over 100 species of birds. that was in hot August. The wildlife population changes each month and at times each day. It is most important that a study to find a reliable source of water be done by the experts, with an unbiased view, so what ever is chosen as the right thing to do will be chosen from real knowledge, not just amateur ideas.

Please vote in favor of HCR 5009 to allow this study to take place.

HB 2359

Thank you

Eulalia M Lewis

1285 Mac Vicar

Topeka

Ks

66604

2/20/85

XXXI

REMARKS BY FRANK FRITTON ON THE PRESERVATION OF CHEYENNE BOTTOMS.

Cheyenne Bottoms is important to wildlife. It is the center of a funnel, if you will, for the wildlife using the flyway on their way North or South. It is the halfway point and a natural area to feed and rest. Some 320 different species of birds may be observed there at different times. It is interesting to note that more than 13,000 ducklings are produced in and around the marsh on a peak production year. The area teems with tens of thousands of migrant shore birds spring and fall. Bald eagles winter here and roost in a large cottonwood grove northeast of the marsh.

What I really wish to dwell on for a few moments today is the fringe benefit that the people of our State derive from this important area. As I am sure you are aware, many people are avid birdwatchers. In fact, birdwatching is the fastest growing sport or hobby in the country today. Many people, who are hooked on this fascinating hobby will travel almost anywhere to see, and observe, and photograph, and enjoy new and different birds and to add to their list of birds.

Cheyenne Bottoms is centrally located both within the State and within the United States. So it is convenient for people to go to as a focal point of their trip or as a side trip on their vacation. With more people retired now and able to pursue their travels when they wish, this becomes an important facet of tourism. These people patronize our motels, our camp grounds, our gas

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stations, our restaurants and other places of business on their shopping time. Because of the immensity of the area and the fascination derived there from, it is not a quick in and out drive. Rather they are more likely to stay overnight or even a few days.

So since we are all aware of the importance of attracting tourists to our State for the many benefits there of, it certainly follows that it is important to do all we can to preserve and improve the Cheyenne Bottoms. It is not an expense but an investment for the future benefit of this area and the State.

# Kansas Association for the Blind and Visually Impaired, Inc.

February 20, 1985

TO: Ways and Means

FROM: Legislative Committee  
Mary Adams, Chairperson  
Michael J. Byington, Registered Lobbyist  
Robert Tabor, Member and Council  
Frank Roth, Advisor

SUBJECT: HB2271

This bill is short in format and to the point. This testimony will also be.

The Kansas Association for the Blind and Visually Impaired Inc. supports HB2271. Please imagine forfeiting your car keys for a week, and during that time, also having your legs tied together or wearing a blindfold. I am not actually going to ask you to do this, because I know you would not. You would not be able to get from place to place, and thus you would not be able to do your jobs here at the Legislature. You would still have the necessary knowledge to do your jobs. You just would not have the access or transportation. This is the situation in which many handicapped people find themselves. A lack of affordable transportation is keeping them from seeking employment, being active in the community, living independently, and seeking basic daily needs such as groceries and medical care. Without affordable transportation, many persons currently living in their own houses and apartments would go into nursing homes at staggering additional costs to the tax payer. If an individual can not get to a shopping center to do his/her own shopping, then they usually must have a homemaker or helper, often paid by the State, do this for them. It would in fact be less expensive to the tax payer to provide the individual with transportation to function independently. Certainly, one can not work if one does not have transportation to get to work. If that transportation becomes so expensive that the person in question is earning less otherwise usable money than he/she earned on public benefits, obviously the person is at a high risk to go back on such benefits. These are reasons why we need subsidized public transportation benefits, and why they are basically cost effective.

HB2271 simply creates a mechanism for funding. This mechanism is clearly needed. It is a good, tight bill, and there is only one change we might suggest. An advisory committee might be legislatively created to provide the secretary of the department of transportation with input in reference to adopting all rules and regulations necessary to implement the provisions of HB2271. Generally, handicapped consumers know what they want and know the most efficient way it can be provided. It thus seems good judgment to have the secretary receive

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XXIII

such input in reference to program policies and implementation. The Kansas Association for the Blind and Visually Impaired Inc., however, supports HB2271 with or without this proposed amendment.



RETURN TO:

3509 SE Highland  
Topeka, Kansas  
66605

WRITTEN TESTIMONY ON HB 2359

PRESENTED TO THE HOUSE WAYS & MEANS COMMITTEE

BY

DEAN W. WILSON, LEGISLATIVE COMMITTEE CHAIRMAN

FEBRUARY 20, 1985

(The KANSAS CANOE ASSOCIATION has 200 family members representing 500+ active Kansas canoeists)

Historically, Cheyenne Bottoms was only a marsh during wet years. With the annual evaporation rate of 60 inches and inconsistent rainfall, the Bottoms was only a marsh two years out of three. But, the attraction of the Bottoms to a diverse wildlife population prompted the state to maintain it as a permanent marshland.

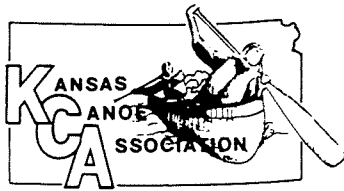
In the 1950's, a canal was built to connect the Bottoms to the Arkansas River by way of Walnut Creek, giving the Bottoms a water right of 50,000 acre-feet per year. With other prime marshes disappearing in the Midwest, Cheyenne Bottoms became one of the country's largest. It is visited by 600,000 waterfowl on peak days, and thousands of hunters and non-game enthusiasts.

Today, competing uses threaten the existence of a permanent wetland. Irrigation lowers the Ogallala Aquifer, while terraces and farm ponds retain surface runoff. In recent years, the Arkansas' flow is but a trickle at Great Bend, Walnut Creek flows have been reduced to 9 days per year, and other western waterways are facing similar fates.

I challenge each one of you to do something for our future generations by

DEDICATED TO THE PROTECTION, CONSERVATION AND RESPONSIBLE RECREATIONAL USE OF KANSAS WATERWAYS

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RETURN TO:

passing HB2359 to the House of Representatives floor for a vote. The \$200,000, in state funds, feasibility study administered by the Fish & Game Commission would allow Kansas to better understand the relationship between reduced wildlife habitat and groundwater/surface depletion. It would also test legal and technical solutions to the dwindling water supply problem.

If current trends continue, the Bottoms may become a dust bowl in the near future. Cheyenne Bottoms' fate is in your hands.



My name is John Miorandi and I have been a resident of Barton County for the last 12 years. I, like so many other people I know that have moved to this area in the last 15 years, did so with not only an occupational goal in mind, but also to enjoy one of the largest wildlife wetlands in the U.S., and one of the last wetland areas in the state of Kansas.

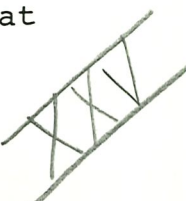
My first exposure to Cheyenne Bottoms was in 1960 at the age of twelve when my father and I traveled from my home town of Coffeyville, Kansas for a week-end of water fowl hunting on the area. To say the least, the area made a lasting impression on me as I returned fourteen years later and built a house overlooking the Bottoms and have since brought my son up with a love for the area. But at this time unless something is done I don't think one needs a crystal ball to see the dark clouds on the horizon that will greet my son's sons in their future concerning Cheyenne Bottoms.

In witnessing of a migration of people in the sixties and seventies with this attraction in mind also, I have also witnessed in the last five years a departure of people out of the county and the state with one of the reasons being the deterioration of Cheyenne Bottoms.

Some months ago I visited with a former Barton County resident just before he moved back to his home state of Indiana and he made the following comments in the conversation:

Quote: I moved out here for the clean air, peace of mind, and all around good place to raise a family but Cheyenne Bottoms was the "icing on the cake". I left a job in Indiana that paid 30% more than my job in Great Bend. It didn't take us long to realize that Cheyenne Bottoms and its recreational pursuits convinced us that

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we made the right choice. However, it seemed like when the area started to deteriorate it changed my views on Central Kansas in general. Let's face it, he said, Kansas is not exactly the environmental paradise of the world. No majestic mountains, scenic rivers, large clear blue lakes, towering forest, etc, etc. Instead, Central Kansas has wheat fields planted fence row to fence row, rivers that are either dried up or drying up, surface and ground water that is becoming polluted and also drying up, blowing dust that sometimes can be reminiscent of the early dust bowl days, chemical farming that is in the air along with the dust, and as my vision of Kansas is further diminished when I think about a state government that for the most part for the last several years, has stood by with little or no regulation and let a few small but powerful minorities in the business segments of Kansas, slowly drain the life (water, quantity and quality) out of Central and Western Kansas. End quote!

He then went on in commenting on the problems that the Governor and the Tourism Board were having in trying to promote an image change for the state. But in closing with my visit with this man, he still maintained that if the Bottoms had survived he could have "weathered all else". He referred to the area as "an oasis in a prairie desert". He then reminisced of past experiences at the Bottoms, telling of times that he and his family would picnic on the area and spend a whole week-end just exploring its grandure. Or of times when he would hunt with his sons on the area, and of lazy summer afternoons fishing for "Kansas catfish" as he called them.

This was just one man's opinion among many that I have visited with, ages running from 8 to 80 it seemed like, and they all had

fond memories of this great wetland area.

Those are some of the reasons that I am here today, to ask you to save an area that has been written about since the 1840's, not only on a local level but on a national level. That has not only sustained early generations of Kansans with its countless species of wild life from buffalo herds that ranged as far as the eye could see, and bird and waterfowl that numbered in the millions, to a modern generation of Kansans and out of state visitors, that not only are drawn by the recreational pursuits, but by the natural resources of "tranquility and unspoiled beauty" that is fast becoming an endangered way of life in this world today.

There has been much talk of the economic value that this area has to Central Kansas. I believe this is beyond dispute, with the thousands of dollars that have been spent for the recreation pursuit that the Bottoms holds. I myself have experienced an income loss, as I have on a part-time basis, engaged in a guide service business in the fall for waterfowl and upland game hunters in the area. I have been doing this since 1979. However, with Cheyenne Bottoms being dry for the last two years, this has become almost non-existent.

But I also believe that if we put a dollar value amount on this area we are dooming it before we start. We have to look beyond dollars and cents and say that we have to take a stand somewhere in our state's environment, and put aside all special interest groups whether it be private, commercial or governmental, and say what's best for us and our future generation, because I firmly believe in the saying that "where wildlife or wild things cannot live, neither can man"!

Let's be proud of this area in our state and dedicate ourselves

to its restoration, where Kansas can enter the environmental ring with a great victory. When you consider this bill please don't look at it as a local issue but as a Kansas issue, and in terms of environment and conservation, it is a national issue.

In closing I would ask of you to let your hearts also be involved in this decision. In restoring an area that I'm sure, over 100 years ago, our forefathers considered this place we now call "Cheyenne Bottoms" as one of God's great miracles to man.

Thank you.

REPORTS OF STANDING COMMITTEES

Your committee on           Ways and Means

Recommends that           HB 2242

"AN ACT    concerning the Kansas law enforcement training act; amending  
K.S.A. 1984 Supp. 74-5602 and repealing the existing section.

be passed.

      *Les Hunter*       Chairman.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Ways and Means

Recommends that Senate Bill No. 10

"AN ACT relating to the federal revenue sharing fund; abolishing such fund and providing for the transfer of moneys and liabilities from such fund to the state general fund; and repealing K.S.A. 75-4257, 75-4258, 75-4259 and 75-4260."

Be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

\_\_\_\_\_Chairperson

REPORTS OF STANDING COMMITTEES

Your committee on Ways and Means

Recommends that HB 2279

"AN ACT concerning official written communications of state agencies; requiring certain information to be contained thereon.

be passed.

Bill Hunter Chairman.