

Approved 3-19-86
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Senator Merrill Werts at
Chairperson

8:00 a.m./~~XXX~~ on March 6, 1986 in room 123-S of the Capitol.

All members were present except:
Senator Gordon - Excused
Senator Vidricksen - Excused

Committee staff present:
Don Hayward - Revisor
Nancy Jones - Secretary

Conferees appearing before the committee:
Mike Beam, Kansas Livestock Association
John Blythe, Kansas Farm Bureau
Bill Hanzlick, Fish & Game Commission

SB 722 - Relating to the acquisition of land by the Fish & Game Commission

This bill was introduced by the Ways & Means Committee at the request of the Kansas Livestock Association.

Mike Beam testified that the Kansas Livestock Association philosophically is opposed to the Fish & Game Commission owning and controlling agricultural land. SB 722 gives the Legislature the authority to disapprove any further land purchases or leases by amending KSA 32-214. The primary reasons stated for enactment of this legislation is first, the documentation of the intention of the Fish & Game to acquire more land for recreational purposes and secondly, the current depressed land prices. Mr. Beam stated the Association believes agricultural land should remain in the hands of private ownership and the Legislature should have the ability to disapprove all future land acquisitions by the Fish & Game Commission. The expressed views of the Association reflect a consensus of the vast majority of farmers and ranchers and this legislation would provide an equitable and needed oversight of land acquisition by the Commission. Two areas of particular concern at this time are the Cheyenne Bottoms and Lake Perry. (Attachment A).

Testimony of John Blythe supported the views of the Kansas Livestock Association stating this legislation will provide needed safeguards on leasing and purchase of land by the Fish & Game Commission. There is a concern regarding payment of property taxes and an in-lieu-of tax payment by the Commission. (Attachment B)

Testifying as an opponent, Bill Hanzlick reviewed land acquisition actions and policies of the Fish & Game Commission, emphasizing the Legislature presently has overview on acquisitions through the appropriations process. Mr. Hanzlick stated the language of this bill would affect leases on office spaces and it would also require overview of conservation easements, setting a time limit of three months for consummation of these projects.

The Committee discussed land abuse and leasing practices of the Commission. It was noted by Senator Hayden that less than 1% of Kansas land is under control of the Commission. Leasing of land is executed by the Department of Administration in the name of the state. Virtually all land purchased by the Fish & Game is subject to tax or payment in-lieu-of taxes. Revenue which is generated by the sale of crops from habitat areas is applied to that project. Concern was expressed by committee members regarding the intent and necessity of the proposed bill.

Senator Feleciano made the motion to adversely report SB 722, seconded by Senator Langworthy.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES,
room 123-S, Statehouse, at 8:00 a.m./p.m. on MARCH 6, 1986.

A substitute motion was made by Senator Kerr to hold the bill and request that if a related interim study is conducted, that the content of this bill be part of such study, seconded by Senator Daniels. Motion carried.

Senator Martin made the motion recommending SB 566 be a topic for interim study and held in committee, seconded by Senator Thiessen. Motion carried.

Meeting adjourned.

Guest List
3/6/86

Roy D. Shenkel

K.C. P.C.

Shawnee

Bill Hanzlick

Ks Fish. & Game

PRATT

MIKE BEAM

Ks. LUTHER. ASSN.

TOPEKA

John Blythe

Ks Farm Bureau

Manhattan

Chip Wheeler

Legis. Policy Group

Topeka

Dennis Moryong

KDHE

Topeka

Pat Schater

Division of Budget

Topeka

Tom Sals

KWCO

W

Kevin Davis

League of Ks Muni.

RON GACHES

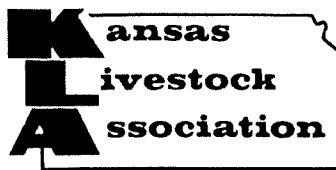
BMAC

WICHITA

CHARLES BELT

CHAMBER. of COMM.

WICHITA



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Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

TESTIMONY ON BEHALF
OF THE
KANSAS LIVESTOCK ASSOCIATION
IN SUPPORT OF
SB722
AN ACT RELATING TO THE ACQUISITION OF LAND BY THE KANSAS FISH & GAME COMM.
BEFORE THE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SEN. MERRILL WERTS, CHAIRMAN
SUBMITTED BY
MIKE BEAM
EXECUTIVE SECRETARY, COW-CALF/STOCKER DIVISION
MARCH 6, 1986

The Kansas Livestock Association (KLA) is a trade organization made up of approximately 9,500 members located in all of the 105 counties in Kansas. KLA, founded in 1894, has members who are actively involved in numerous aspects of livestock production and include cow-calf/stocker producers, feeders, sheep producers, swine operators and general farming and ranching enterprises. On December 6, 1985, at KLA's annual convention, the membership adopted a policy resolution to support legislation giving the Kansas legislature the authority to prohibit Kansas Fish & Game

3-06-86
S. ENR

(A)

Commission land acquisitions.

Senate Bill 722 was introduced at KLA's request in an attempt to address a major concern of our membership. For many years KLA members have philosophically been opposed to state agencies, particularly the Kansas Fish & Game Commission, owning or controlling agricultural land. This bill does not prohibit Fish & Game land acquisition but merely gives the Kansas legislature the authority to disapprove of any further land purchases or leases.

This bill amends a section of KSA 32-214 which gives the Commission the power and authority "to take and acquire in the name of the state" title to land. A new subsection (b) is added which instructs the Commission, after July 1, 1986, to notify the Kansas legislature during the first 30 days of a session of its plans to acquire land since the 30th day of the previous regular legislative session. At any time after the 30th calendar day the legislature may disapprove and revoke a lease, contract, or plan to acquire land by the passage of a concurrent resolution before the 90th calendar day of the session.

The language of this amendment to the existing statute (KSA 32-214) is patterned after legislation which was introduced by the 1983 Energy and Natural Resources Interim Committee. The Committee studied the impact to local governments and the adjacent landowners of Fish & Game Commission ownership or lease of land around federal reservoirs. After a thorough review of this issue the Interim Committee made the following recommendation:

Because the acquisition of land under license from the Army Corps of Engineers by the Fish & Game Commission results in the reduction

in revenues to the counties, any further acquisition of Corps lands by the Commission is a matter of legislative concern. To provide greater review of any future Commission acquisitions of land, the Committee recommends enactment of HB2642. The bill provides a procedure to void a license between the Corps and the Commission for any additional land acquisition. This bill will require the disapproval of the legislature in the form of a concurrent resolution passed by both Houses.

HB 2642 became law during the 1984 session after it passed the House 121-0, the Senate 39-1 and signed by the Governor. KLA believes this legislation is good policy and should be expanded to address all Fish & Game Commission land acquisitions.

It's our thoughts that SB722 should become law this year because of two primary reasons. First, the Commission has clearly stated it's their intention to acquire more land. This is documented in the 1985-1990 Commission's "A Plan for Kansas Wildlife". Attached to my testimony are pages 11-15 which summarize their strategies to address issues targeted as their "major concern". Please note on page 14 that it's the Commission's strategy to "acquire (rent, lease, buy, donation, etc.) lands for public hunting, fishing and other wildlife associated recreation". This goal or objective is repeated on numerous occasions. The document states it's the strategy of the Commission to acquire and manage land to provide more potential for antelope, pheasant, quail, turkey, prairie chicken and squirrel hunting.

Secondly, this bill should become law this year because of the depressed land prices. In Kansas we've seen over a 30% decline in agricultural land prices from 1981 through 1985. According to a Federal

Reserve Bank survey a typical ranch now is worth half of its value in 1981. If the Commission plans to purchase or lease land, the next few years will provide an excellent opportunity for such land acquisition. Our Association firmly believes that agricultural land should belong in the hands of private ownership and the Kansas legislature should at least have the ability to disapprove of all Fish & Game land acquisitions if the condition is warranted.

In closing, I'd like to thank the Chairman and Committee members for the opportunity to provide input on our Association's views on this issue. I don't hesitate to say that these thoughts I've presented to the Committee today reflect the consensus of the vast majority of this state's farmers and ranchers. We feel the passage of SB722 will provide a fair, equitable and needed oversight on all Fish & Game land acquisitions which follow the effective date of this legislation. We urge your support and hope that you'll act favorably on SB722. Thank you.

MAJOR CONCERNS

Several issues of statewide importance affecting several programs have been identified. These problems are summarized here to emphasize their importance and to stress the need to implement strategies which may be used as approaches to their solutions. Additional strategies are constantly being sought to further our efforts to overcome both existing and new problems. Cooperation and participation by other governmental entities and the public are essential to develop and implement many of the strategies. This section is a synopsis of the major concerns expressed in the individual programs and the generalized strategies proposed to address those concerns.

The quantity and quality of wildlife habitat is deteriorating throughout the state due to competing and more intensive land and water uses.

Prime terrestrial wildlife habitats are declining in quantity and quality at an undetermined rate thus reducing their ability to maintain the state's current carrying capacity for a naturally diverse terrestrial wildlife resource base.

The state's intermittent and perennial streams that remain relatively unaltered by human activity, constituting crucial habitat for both aquatic and terrestrial wildlife, are decreasing in quantity and quality at an undetermined rate thus reducing the state's carrying capacity for those wildlife species dependent upon streams.

The potential for prime aquatic wildlife habitat provided by artificial impoundments is increasing in quantity but is in need of timely preconstruction planning and post-impoundment management to achieve quality increases. Most impoundments can achieve prime habitat status only when properly managed. (Appendix C contains a detailed discussion of habitat.)

STRATEGIES

Advocate enactment of a state wildlife coordination act requiring sponsors of development projects that are funded, assisted, or permitted by state or local units of government to (1) give wildlife conservation full consideration with other features of the project, (2) consult with Kansas Fish and Game Commission during project planning and development to determine means and measures to avoid losses of wildlife resources.

Advocate enactment of state laws protecting stream integrity through review, permitting, and enforcement requirements applicable to stream alteration projects.

Participate in and support instream flow planning and implementation along with other methods of protecting streams from unnatural dewatering.

Support state legislative and agency policy changes which will protect or enhance prime wildlife habitats.

Continue close coordination with other state, federal, local and private agencies and organizations to minimize losses and maximize enhancement of wildlife habitats impacted by land and water resource development projects and to stress wildlife habitat protection and enhancement planning.

Conduct a statewide inventory to determine the current habitat base.

Implement a periodic inventory system to monitor long-term habitat trends.

Intensify WHIP by emphasizing program activities to increase the level of application of habitat measures on private lands.

Implement an intensive program to improve landowner-sportsman-agency relationships.

Increase cooperation with local, state, federal, and private agencies undertaking studies oriented toward wildlife habitat protection or enhancement.

Increase use of informational and educational methods and materials to get habitat information to land users, agricultural organizations, schools, libraries, and the general public.

Actively pursue protection and enhancement of critical habitats of threatened and endangered species.

Actively pursue Kansas Fish and Game Commission acquisition of key areas of prime wildlife habitat.

Continue research efforts designed to yield practical habitat management information.

Increase use of state managed lands and waters as demonstration areas for intensive habitat management.

Use sportsmen's groups and similar organizations for funding and manpower to undertake wildlife habitat enhancement measures.

Use legal aid within the Fish and Game Commission to improve the agency's ability to pursue legislative and litigative efforts to protect prime wildlife habitat.

The challenges facing Kansas' wildlife resources are real and urgent; current funding sources and income do not fulfill wildlife and public needs.

The Fish and Game Commission cannot maintain operations on a constant level of revenue. Funding derived solely from sportsmen is inadequate and inappropriate to support all necessary resource and recreation management. While deficiencies are most notable in land acquisition, property development, data collection and assimilation, habitat projects and nongame and threatened and endangered species activities, fund shortages occur in all agency functions. Inflationary trends compound budgetary pressures by reducing purchasing power of available revenue.

STRATEGIES:

Continue efforts to improve the efficient use of funds available.

Manipulate current funding systems to produce more revenue.

Identify and pursue appropriate alternate sources of revenue.

Maximize funds derived from Federal sources.

Encourage funding by other agencies and groups for specific projects.

Actively seek grants from foundations for specific conservation projects.

Without public understanding, acceptance and support, full potential of wildlife and public-oriented benefits cannot be realized.

Attitudes based on misinformation, incomplete information, insufficient education or apathy are manifest in landowner action toward wildlife, landowner-sportsmen difficulties, good but misguided intentions to better wildlife resources, short term solutions, poor sportsmanship, unacceptance of wildlife management principles, wildlife damages and conflicts, and poor understanding of economic and ecological values. Even political spheres may be influenced by incomplete understanding of wildlife needs.

STRATEGIES:

Intensify efforts to inform and educate the public of needs and values of wildlife resources, management principles, policies and techniques.

Improve public information concerning agency activities and projects.

Encourage wise use of wildlife resources.

Improve cooperation with wildlife interest groups.

Stress adequate consideration of wildlife and recreational needs.

Inform the public of the reasons for laws and regulations.

Cooperate with existing, and assist in developing additional approved wildlife damage control programs.

Provide assistance to individuals experiencing wildlife related problems.

Increased demand for outdoor recreation often results in competing use of the same area for different purposes and overcrowding during pursuit of some activities.

Supplies of some fish and wildlife are not adequate to satisfy demand, and establishment of some species is hampered by inadequate sources of supply.

Recreational conflicts detract from the participant's enjoyment. Conflicts are particularly apparent on public areas where greater potential for multi-purpose use and overcrowding occurs. These conflicts are not restricted to lands and water administered by the Fish and Game Commission.

STRATEGIES:

Increase populations of desired fish and wildlife where demand exceeds supply and such increases are ecologically sound.

Maintain adequate fish culture facilities.

Develop or improve sources and methods of acquiring wildlife for trap and transplant activities.

Develop and implement standard methods of monitoring use of and demand for fish and wildlife based recreation.

Determine acceptable levels of competing recreational uses.

Determine use priorities on public areas.

Manage resources and facilities to reduce conflicts.

Coordinate with other agencies and groups to minimize conflicts.

Inadequate or incomplete information reduces the capabilities of the Fish and Game Commission to administer programs for the fullest benefits of wildlife resources and the public.

Improvements are needed concerning such subjects as habitat, wildlife and human population status and trends, recreational demand, consumptive and nonconsumptive uses, management effectiveness, land use, socio-economic values, limiting factors and public attitudes.

It is difficult to establish meaningful management guidelines and objectives when reliable information is not available. In some programs, improved information is needed to better support agency decision making.

STRATEGIES:

Implement systems to inventory habitat, measure quality and monitor trends.

Determine socio-economic values of wildlife resources and public use.

Determine effects of land use and practices on wildlife.

Collect necessary information on habitat requirements and population status for certain species.

Monitor non-consumptive and consumptive uses of and demands for wildlife resources.

Approximately 97 percent of Kansas is private land. These lands support about 87 percent of the total hunting and 50 percent of the fishing.

The public does not have access to much of private land due to closure, lack of access routes and remote locations. Limited public areas and poor access in certain locales create crowding and decrease the quality of recreation for many sportsmen.

STRATEGIES:

Acquire (rent, lease, buy, donation, etc.) lands for public hunting, fishing and other wildlife associated recreation.

Determine need for establishing recreational quality levels on public areas.

Acquire and/or develop access routes and facilities.

Stimulate and facilitate better sportsman/landowner relations to increase access to private lands.

Actions of the Fish and Game Commission must conform to numerous state and federal laws, regulations and policies.

As times and conditions change, some laws and regulations become unenforceable, inadequate or outdated.

Apparent increases in deer poaching and other serious fish and game law violations and habitual violators emphasize the needs for innovative and technologically advanced law enforcement efforts and equipment.

The effectiveness of the Fish and Game Commission in dealing with the broad spectrum of wildlife resource enforcement matters is often dependent on public cooperation through notifying agency employees of violations of fish and game laws and regulations.

STRATEGIES:

Review and initiate necessary changes in existing regulations, policies and guidelines.

Support legislation with direct and indirect wildlife benefits.

Establish full time legal services for the agency.

Improve and modernize law enforcement techniques and equipment.

Encourage the public to notify agency employees of violations of fish and game laws and regulations.

MEMORANDUM

January 26, 1984

FROM: Kansas Legislative Research Department

RE: Fish and Game Controlled Lands

LAND OWNED BY THE KANSAS FISH AND GAME COMMISSION
STATE FISHING LAKES

County	Area	Acres - Land & Water
1. Atchison	Atchison S.F.L. & W.A. *	248
2. Barber	Barber S.F.L. & W.A.	190
3. Bourbon	Bourbon S.F.L. & W.A.	380
4. Brown	Brown S.F.L. & W.A.	189
5. Butler	Butler S.F.L. & W.A.	351
6. Chase	Chase S.F.L. & W.A.	492
7. Clark	Clark	1,240
8. Cowley	Cowley S.F.L.	197
9. Crawford	Crawford S.F.L. No. 1	418
10. Douglas	Douglas S.F.L. & W.A.	718
11. Finney	Finney S.F.L. & W.A.	863
12. Geary	Geary S.F.L. & W.A.	451
13. Hamilton	Hamilton S.F.L. & W.A.	432
14. Hodgeman	Hodgeman S.F.L. & W.A.	254
15. Jewell	Jewell S.F.L. & W.A.	165
16. Kingman	Kingman S.F.L. & W.A.	4,529
17. Kiowa	Kiowa S.F.L.	43
18. Leavenworth	Leavenworth S.F.L. & W.A.	507
19. Logan	Logan S.F.L. & W.A.	271
20. Lyon	Lyon S.F.L. & W.A.	582
21. McPherson	McPherson S.F.L. & Game Refuse	2,560
22. Miami	Miami S.F.L. & W.A.	267
23. Montgomery	Montgomery S.F.L.	408
24. Nemaha	Nemaha S.F.L. & W.A.	710
25. Neosho	Neosho S.F.L. & W.A.	216
26. Osage	Osage S.F.L.	506
27. Ottawa	Ottawa S.F.L.	711
28. Pottawatomie	Pottawatomie No. 1 S.F.L. & W.A.	190
29. Pottawatomie	Pottawatomie No. 2 S.F.L.	248
30. Rooks	Rooks S.F.L. & W.A.	313
31. Shawnee	Shawnee S.F.L.	608
32. Sheridan	Sheridan S.F.L.	335
33. Sherman	Sherman S.F.L. & W.A.	1,547
34. Saline	Saline S.F.L.	78
35. Washington	Washington S.F.L. & W.A.	463
36. Wilson	Wilson S.F.L.	291
37. Woodson	Woodson S.F.L. & W.A.	2,885

24,856

* State Fishing Lakes and Water Areas

OTHER OWNED LAND

<u>County</u>	<u>Area</u>	<u>Acres - Land & Water</u>
1. Barber	Barber County	40
2. Washington	Blue River W.A.	35
3. Labette	Big Hill W.A.	1,320
4. Barton	Cheyenne Bottoms W.A.	19,846
5. Edwards	Edwards County	40
6. Crawford	Farlington Fish Hatchery	149
7. Finney	Finney County Game Refuge	3,710
8. Pratt	Fish and Game Commission Headquarters	178
9. Gove	Gove County	160
10. Labette	Harmon W.A.	102
11. Bourbon	Hollister W.A.	2,432
12. Republic	Jamestown W.A.	2,728
13. Lane	Lane W.A.	42
14. Norton	Lenora W.A.	150
15. Linn	Marais des Cygnes W.A.	7,146
16. Meade	Meade Fish Rearing Station	800
17. Cherokee	Mined Land W.A.	14,015
18. Morton	Morton W.A.	533
19. Neosho	Neosho W.A.	2,976
20. Riley	Pillsbury Crossing Fishing Area	59
21. Pratt	Pratt Sandhills W.A.	4,757
22. Riley	Rocky Ford Fishing Area	18
23. Scott	Scott W.A.	160
24. Sheridan	Sheridan W.A.	458
25. Stevens	Stevens County	321
26. Cheyenne	St. Francis W.A.	480
27. Clark	St. Jacob's Well and Big Basin W.A.	1,818
28. Pratt	Texas Lake W.A.	560
29. Wyandotte	Theodore Granville Barcus W.A.	48
		<hr/>
		65,081

FEDERAL AREAS UNDER LICENSE TO
FISH AND GAME COMMISSION

<u>County</u>	<u>Area</u>	<u>Acres - Land & Water</u>
1. Norton	Almena Diversion W.A.	111
2. Trego	Cedar Bluff W.A.	11,834
3. Reno	Cheney W.A.	9,238
4. Douglas	Clinton W.A.	9,190
5. Montgomery	Copan W.A.	2,360
6. Morris	Council Grove W.A.	2,638
7. Montgomery	Elk City W.A.	12,240
8. Greenwood	Fall River W.A.	9,352
9. Osborne & Mitchell	Glen Elder W.A.	25,100
10. Coffey	John Redmond W.A.	1,637
11. Cowley	Kaw W.A.	4,341
12. Phillips	Kirwin W.A.	3,700
13. Jewell	Lovewell W.A.	5,015
14. Marion	Marion W.A.	3,522
15. Osage	Melvern W.A.	10,018
16. Clay	Milford W.A.	16,763
17. Norton	Norton W.A.	5,656
18. Jefferson	Perry W.A.	10,984
19. Woodson	Toronto W.A.	4,366
20. Riley & Pottawatomie	Tuttle Creek W.A.	12,030
21. Rooks	Webster W.A.	5,579
22. Russell	Wilson W.A.	6,990
23. Rooks	Woodson Diversion W.A.	210
		<u>172,874</u>

LANDS LEASED BY
THE FISH AND GAME COMMISSION

<u>County</u>	<u>Area</u>	<u>Acres - Land & Water</u>
1. Ford	Hain S.F.L. & W.A.	53
2. Elk	Polk Daniels S.F.L.	165
3. Linn	La Cygne Lake & W.A.	4,600
4. Jackson	Nebo Watershed Lake	<u>38</u>
		4,856

LANDS ACQUIRED THROUGH
WILDTRUST PROGRAM

<u>County</u>	<u>Area</u>	<u>Acres - Land & Water</u>
1. Cherokee *		8,208
2. Smith or Phillips	Wachs	800
3. Wyandotte		<u>16</u>
		9,024

*Approximately \$15,000 was paid to Cherokee County for payment of taxes.



PUBLIC POLICY STATEMENT

to the
Senate Committee on Energy and Natural Resources
Senator Merrill Werts, Chairman
March 6 1986

RE: SB 722 -- Legislative Review of Land Acquisition
by the Kansas Fish and Game Commission

Presented by
John K. Blythe, Assistant Director
Public Affairs Division
Kansas Farm Bureau

Mr Chairman and Members of the Committee

I am John Blythe, Assistant Director of the Public Affairs Division of Kansas Farm Bureau. I am speaking on behalf of the farmers and ranchers who are members of Kansas Farm Bureau in support of SB 722.

The Kansas Farm Bureau has, for many years, been concerned about Kansas Fish and Game land:

The power of eminent domain, which we oppose; payment of property taxes or the payment of an in-lieu-of tax and the leasing policies of land

that the Fish and Game owns or controls.

We believe that SB. 722, will provide needed safeguards to the Kansas Fish and Game leasing and purchase contracts and agreements. We urge Committee approval of SB. 722.

Thank you, Mr Chairman and Members of the Committee for the opportunity to appear in support of SB 722.