

MINUTES OF THE House Sub COMMITTEE ON Natural Resources

The meeting was called to order by Chairman Spaniol at _____
Chairperson

3:30 ~~am~~/p.m. on February 23, 1987 in room 526-S of the Capitol.

All members were present except:

Representative Sifers

Committee staff present:

Ramon Powers, Legislative Research Department
Theresa Kiernan, Revisor of Statutes' Office
Betty Meyer, Committee Secretary

Conferees appearing before the committee:

Representative Jack Lacey
Ted Cunningham, Kansas Furharvesters Ass.
Robert Robel, Kansas Wildlife Assn.
Robert Henderson, Kansas Wildlife Damage Control
Russell Hyer, Regional Executive, National Wildlife Federation
Tom Tomlinson National Rifle Assn., Ks. State Rifle Assn.
Mike Stewart, Ks. Wild Turkey Federation
John Small, Ks. Fish and Game
Les Barnes, Ks. Fur Harvesters
Russell Volker, Ks. Fur Harvesters
Ronald Schultz, Tri-County Rod and Gun Club
Dale Sanders, Ks. St. Rifle Assn.
Phillip O. Lutz
Ronald Smith, Ks. Bowhunters
Steve Chaffee
Ruben Lopez, Ruben's Rod and Reel
Mark Wilson VP Riley Co. Fish and Game Assn.
Spencer Tomb, Ks. Wildlife Assn.
Howard O'Connor, Ks. Geological Survey
Dr. Daryl Eklund
Donald Schnacke, Ks. Independent Oil and Gas Assc.

The meeting was called to order by Chairman Spaniol.

Rep. Lacey testified HB 2292 hopefully will deter individuals from intentionally interfering with others engaged in legal, regulated and licensed activities. (Attachment 1)

Ted Cunningham stated protection against harassment is important because it is before the fact. It is a preventive bill.

Robert Robel testified in favor of HB 2292 representing over 6,000 members of the Ks. Wildlife Federation and the 37,000 members of the National Rifle Assn. in Kansas. He suggested one minor addition to the bill by inserting the following:
"No provision of this section shall obstruct or impede the legal rights and normal activities of landowners including, but not limited to farming, ranching, and the right to limit trespass." (Attachment 2)

Robt. Henderson stated there is a need for a law when persons are engaged in legal acts. (Attachment 3).

Tom Tomlinson supports the bill from the standpoint of target shooters.

Russell Hyer testified since 1939, trappers, fisherman and hunters have contributed more than \$2 billion to state and federal fish and wildlife agencies through license fees and excise taxes. He stated these people should be protected by HB 2292. (Attachment 4)

Mike Stewart testified fishing and trapping should not be marred by anyone's attempt to intentionally subvert outdoor activities for hunters and fishermen. (Attachment 5)

Dean Wilson was not present but submitted testimony in favor of HB 2292. (Attachment 6)

CONTINUATION SHEET

MINUTES OF THE House Sub COMMITTEE ON Natural Resources,
room 526-S, Statehouse, at 3:30 ~~xxx~~/p.m. on February 23, 1987, 19 .

John Small proposed the following amendment to HB 2292: "The provisions of this act shall not apply to the actions of law enforcement officers and personnel of the Kansas fish and game commission in the performance of their official duties." (Attachment 7)

Les Barnes and Russell Volker testified in favor of HB 2292.

Dale Sanders said hunters are pursuing action in a lawful manner.

Phillip O. Lautz, a native Topekan and member of National Rifle Assn. since 1924 expressed support for HB 2292.

Ronald Smith testified that destruction of hunters tree stands is of primary concern and urged support and passage of HB 2292.

Steve Chaffee testified HB 2292 could prevent some bad accidents by preventing harassment of hunters.

Ruben Lopez testified the bill will provide protection of hunters.

Mark Wilson stated that HB 2292 makes good sense for Kansas sportsmen and women. (Attachment 8)

Spence Tomb said hunter harassment is a reality in Kansas and hunters deserve to be protected by HB 2292.

Chairman Spaniol asked for questions from committee. Rep. Sughrue asked of success of similar bills in other states. Robt. Robel answered a similar law has been successful.

Hearings concluded on HB 2292. STANDING COMM. 3/4/87

Chairman Spaniol asked for a report on HB2299 by Rep. Mollenkamp, who stated HB 2299 is a badly needed bill and it had been worked on since 1966.

Howard O'Connor testified the existing rules and regulations are adequate to protect fresh and useable water in the Dakota regardless of whether HB 2299 becomes law if the meaning of the rules and regulations are understood by the industry and enforced by the state. (Attachment 9)

Dr. Darrell Eklund testified in support of HB 2299, saying it is much cheaper to protect the Dakota aquifer now than attempt to clean it up in the future. (Attachment 10)

Donald Schnacke appeared in opposition to HB 2299. (Attachment 11)

Bill Bryson stated studies of the problem started in 1980. The KCC is having meetings with Colorado and Nebraska to study the area. Chairman Spaniol asked for study to be presented in writing.

Hearings concluded on HB 2292.-----

The meeting was adjourned by Chairman Spaniol at 5:15 p.m.

JACK LACEY
REPRESENTATIVE, SECOND DISTRICT
CHEROKEE, LABETTE, AND
MONTGOMERY COUNTIES
P.O. BOX 6
OSWEGO, KANSAS 67356



TOPEKA

HOUSE OF
REPRESENTATIVES

February 23, 1987

HOUSE BILL 2292

COMMITTEE ASSIGNMENTS
MEMBER: AGRICULTURE AND SMALL BUSINESS
INSURANCE
TRANSPORTATION

Testimony before the Natural Resources Sub-Committee -
House Committee on Energy and Natural Resources

Mr. Chairman and fellow members of this sub-committee. House Bill 2292 deals with the willful harassment and obstruction of individuals engaged in the lawful activities of hunting, trapping, fishing and shooting, and providing penalties for those unlawful actions.

I feel certain as we construct regulations for parimutuel, we will include penalties for those who would interfere with a race.

This bill is much the same thing, adding regulations and penalties for interference in these sports.

As we study the bill before you, I feel we should establish some perimeters as to what the bill doesn't deal with, as well as what it is intended to do. Some of the things not covered are the social, moral and emotional issues of hunting, trapping, fishing or shooting.

The issue at hand and to be discussed here is the willful and intentional interference with state sanctioned, licensed and regulated events.

I submit to you this is preventive legislation, for through the enactment of this bill, we hope to prevent a tragedy at some future date.

The problem has only begun to appear in Kansas, but like cancer is sure to spread without early detection and treatment. This means of treatment is working in other states and will work for the good of all in Kansas.

It is hoped this bill will deter individuals from intentionally and maliciously interfering with others engaged in legal state sanctioned, regulated and licensed activities.

There are organizations that must have causes to generate money to finance themselves. Within these organizations are individuals who must have a cause to give meaning to their life. Some persons when encouraged by the organizations are led to do foolish things such as: intentionally antagonizing people engaged in lawful activities through physical and verbal abuse, theft, destruction of property and other activities. As these instances multiply and intensify the ultimate result may well be unwanted tragedy.

There are individuals who disapproved of some of these legal activities and attempt to prevent them through unlawful actions.

Some of the things that have happened include: interference of hunts, destruction of blinds and traps, disturbance of fishing waters, theft or destruction of stands, decoys or other property.

Mr. Chairman: Most of the outdoor sports organizations are represented here today and will give accounts and testimonies demonstrating the desirability and need for this bill.

I will try to answer any questions and of course, I'll be available at any time.

TESTIMONY PRESENTED

23 February 1987
to the
Natural Resources Subcommittee
House Committee on Energy and Natural Resources

R. J. Robel

Mr. Chairman, my name is Robert J. Robel and I am a resident of Manhattan, Kansas. I am here to present testimony in support of H.B. 2292, a bill providing protection to individuals participating in legalized shooting, hunting, trapping, and fishing in Kansas. I am a Vice President of the Kansas Wildlife Federation representing over 6,000 paid members in Kansas. I am also a Board Member of the National Rifle Association representing over 2.8 million members nationwide, including 37,000 residing in Kansas. Both organizations have officially endorsed legislation of the type you are considering today.

The need for this protective legislation is highlighted by activities of such organizations as the Animal Defense Council, Friends of Animals, Defenders of Wildlife, Greenpeace and other similar animal rights groups. The ideologies and philosophies of these organizations have been rebuffed by the courts, so they are now initiating well organized campaigns to physically disrupt the hunting, trapping, and fishing sports. One only needs to read "Tips for Hunt Saboteurs" authored by Cleveland Amory (President of Friends of Animals) to determine the extreme tactics being espoused by Friends of Animals. The Vancouver Chapter of Greenpeace spends \$500,000 per year for its anti-hunting activities alone. These groups are growing, and becoming increasingly militant. It is the intent

of this bill to prevent violent conflict between legitimate sportsmen and these militant elements of our society.

Nineteen states have enacted legislation similar to H.B. 2292. The most recent state to adopt an anti-harassment bill is Utah, where the bill (H.B. 155) was unanimously endorsed by the House Energy and Natural Resources Committee and the Senate Energy and Natural Resources Committee. In 1981, Arizona enacted legislation similar to H.B. 2292 in response to disruptive activities of the Animal Defense Council. The harassment ceased when the bill was signed into law. The fact that provisions of the law have not been used attests to the "preventative character" of the law.

I would suggest one minor addition to the bill's language however, to protect the rights of the landowner. The insertion of the following sentence would help clarify the intent of this legislation.

"No provision of this section shall obstruct or impede the legal rights and normal activities of landowners including, but not limited to farming, ranching, and the right to limit trespass."

Thank you for the opportunity to present to you the desires of approximately 6,000 members of the Kansas Wildlife Federation, and the 37,000 members of the National Rifle Association who reside in Kansas.

Testimony of F. Robert Henderson, State Program Leader, Wildlife Damage Control, Kansas State University, in regard to proposed legislation to reduce harrassment of hunters and trappers, given on February 23, 1987, at the State Capitol Building in Topeka, Kansas.

Harvesting furbearing animals by lawful means is important to Kansans. The sale of furs is of economic importance to landowners and others. In wildlife damage control, trapping is a valuable tool in reducing and preventing damage to livestock. While we do not keep records of incidents of harrassment of furharvesting and/or wildlife damage control incidents, these seem to be reported more frequently than in the past.

I work closely with more than 150 volunteers who often help landowners with wildlife damage problems. Much of this work is accomplished by the use of traps. There is a need for a law to protect trappers and others when they are legally engaging in approved procedures.

Several incidents could be related to this committee, but I will report on one that happened to me recently. It was from this experience that I learned first hand what others had told me about in their own experience.

In response to a landowner complaint about beaver damage on his property, I showed a volunteer how to make two conibear sets for beaver under water and set 5 leg-hold trap sets under water. I used my own personal tags on the traps set.

An adjoining landowner pulled up the traps and demanded that I meet him that night away from our homes. There he explained he did not want anyone trapping anywhere by him, because he had cats and did not want them harmed.

He threatened to pull up any traps he found, and said he would kill me if I trapped in that area again. This was a new experience for me.



RUSSELL R. HYER
CENTRAL
REGIONAL EXECUTIVE

2510 ALABAMA
LAWRENCE, KANSAS 66044

(913) 843-9198

NATIONAL WILDLIFE FEDERATION

Executive, 2510 Alabama, Lawrence, KS 66044 913-843-9198

PROTECTION FROM HARASSMENT HUNTERS, TRAPPERS, AND FISHERMEN

The National Wildlife Federation (NWF), with approximately 10,000 members in Kansas, believes that wise utilization and sound management of our natural resources includes sport fishing, hunting, and trapping. These are wholesome and traditional recreational activities that utilize available renewable resources by harvesting surplus wild animals. NWF submits that while sportsmen should demonstrate the highest level of outdoor ethics, giving full measure of respect to the game, other sportsmen, private landowners, and those who prefer not to hunt, fish, or trap, hunters, fishermen, and trappers must also be permitted to pursue their role in the resource management plan free with undue harassment.

Utilization of wildlife poses no threat to the resource when controlled by seasons and bag limits set by professional wildlife managers. Properly regulated trapping and hunting have never threatened or endangered any species of wildlife, and today, game animals are some of our most abundant wildlife. The return of deer, wood ducks, antelope, and wild turkey here in Kansas are but a few of the success stories of wildlife resource management that might not have been written were it not for conservation-minded sportsmen.

For our fisheries resources, similar successful recovery stories can be cited. Innovative approaches to fisheries management supported and paid for with the fishermen's dollars have provided fisheries where none existed previously, and have dramatically increased other populations. Even with fishing pressure doubling every twenty years, thanks to research and management supported by fishermen, America's waters still produce record catches annually.

Since 1939, trappers, fishermen, and hunters have contributed more than \$2 billion to state and federal fish and wildlife agencies through license fees and excise taxes. This money has supported research, habitat acquisition, management, and law enforcement programs that have benefited all species of wildlife, game and non-game, for both the non-consuming and consuming users. Today, there is widespread agreement that fish and wildlife's greatest threat comes, not from legal use of the gun, bow, trap, or fishing rod, but from the degradation and loss of habitat necessary to support healthy and diverse populations of fish and wildlife.

As elsewhere, the hunters, fishermen, and trappers of Kansas have and will continue to play the lead role in maintaining and increasing these habitats and the overall scientific management of renewable natural resources for the benefit of all Kansans. They ask that they be permitted to pursue their recreational activities free from undeserved harassment. Nineteen states have already recognized the contribution of these conservation-minded individuals and have enacted such protection. The National Wildlife Federation urges you to share its concern for the future of scientific fish and wildlife management in Kansas and favorably consider HB 2292.



February 23, 1987

Representative Jack Lacy
Room 278 W.
State House
Topeka, Kansas 66612

Dear Representative Lacy:

The Kansas Wild Turkey Federation healthily endorses the passage of House Bill 2292. The time one is allowed to spend in true appreciation of the great outdoors in the form of hunting, fishing, trapping or shooting should not be marred by someone's attempts to intentionally subvert these activities. These endeavors are time honored traditions of our forefathers. George Washington was a good wingshot, as was John James Audobon. David Crockett is more famous as a hunter than as a legislator from Kentucky.

In the spirit of preserving these traditions for our children's children, we urge the Kansas legislature to pass House Bill 2292 as quickly as possible.

Best regards,

Mike Stewart
President
Kansas Wild Turkey Federation

House Subcommittee on Natural Resources

2-23-87

#5

January 21, 1985

Ted Cunningham
Kansas Outdoors Unlimited
P.O. Box 470
Herington, Kansas 67449

Dear Ted:

This letter is to inform you of the keen desire of the Topeka Bass Club to join with you in sponsoring legislation which would make it a crime to harrass hunters and trappers in lawful pursuit of their sport. It is our belief that such pursuits are time honored, dignified traditions that no man should be able to legally interfere with. Fishermen are almost always also hunters or trappers and it is our sincere hope that lending our support to this important issue will help create a broad enough base of support for the bill that the Kansas legislature will find no arguments against swiftly enacting this protective measure. We are proud to join with you in this cause.

Best regards,

Mike Stewart
Vice President
Topeka Bass Club
506 Twiss
Topeka, Kansas 66616

January 21, 1985

Ted Cunningham
Kansas Outdoors Unlimited
P.O. Box 470
Herington, Kansas 67449

Dear Ted:

I am writing to tell you briefly of an incident which happened to me about four years ago at Perry Reservoir. After about 30-40 hours of scouting, spread over 5 or 6 trips to the lake, I finally selected a site on public hunting land for my deer stand for the upcoming archery season. I then spent about 2 1/2 hours and \$5.00 worth of materials in constructing this deer stand. The first morning I hunted from this blind I missed a nice buck. The second morning I went to hunt this blind I found it had been torn down and the materials scattered around the area. Needless to say, my hunt for the day was ruined and a substantial part of the deer season was wasted in relocating my deer stand away from the area. I attribute this vandalism to someone of an anti-hunting sentiment. In investigating Kansas laws on this subject, I find it is not illegal for someone to tear down my perfectly legal deer stand. This needs to be corrected immediately! Someday, someone who is far more hot-headed than I could shoot someone over such acts of harrassment. I am therefore making myself available to work with you in convincing the Kansas legislature to address and correct this problem while it is still a small one. It could someday get out of hand.

Best regards,

Mike Stewart
506 Twiss
Topeka, Kansas 66616

March 4, 1985
2409 Wildwood
Wichita, Ks, 67217

To Whom It May Concern:

In reference to the harassment of deer hunters at Kingman State Management Area, I have had my tree stand torn out, as well as five others in the general area. I rebuilt the stand a month before season. The day before season I went to look at the area and found someone had taken a bowel movement in my stand.

Also, two years ago on opening weekend of deer season, I saw people running through the management area and making much more noise than necessary.

Larry L. Ramsey

Sir:

I have been an Archery Deer Hunter for 12 years. These 12 years I have hunted on the Kingman County Public Hunting. There has been number of times tree stands have been torn out during the years. I have had incidents where people have rode under my tree stand with horses. Two incidents where large group of people, have jogged around the area and hollered. There was an incident where a car drove up and down the road honking their horn about shooting time in the morning. These incidents that I am talking about happened on the week-end of the opening of Deer Season.

In September 1984 - The group of guys I hunt with, went to clean out our stands in preparation

II

for deer season. In one area all of the tree stands were all torn out. We built new stands and in Oct. 1984 - we went to deer hunt and one of the stands that we had rebuilt had a human bowel movement in it. These incidents - we have no way of knowing the people that are responsible for doing it.

I believe these harassments are directed at the deer hunters and I feel that it shouldn't be permitted.

Sincerely Yours,

PARRIS L. NOTTINGHAM
2436 Ida
Wichita, Ks.
67216

Darryl R. Roney
2409 Wildwood
Wichita, Ks. 67217



Mr. Mike Stewart
506 Twist
Topeka, Kansas 66616

Darryl R. Nottingham
2436 Ada
Wichita 67216, Ks.



Mike Stew
506 Twis Street
Topeka, Kansas
66616

Kansas Fish & Game

BOX 54A, RURAL ROUTE 2, PRATT, KANSAS 67124
(316) 672 5911

REGIONAL OFFICES

Northwest Regional Office
Rt. 2, 183 Bypass
Hays, Kansas 67601

Northcentral Regional Office
Box 489, 511 Cedar
Concordia, Kansas 66901

Northeast Regional Office
3300 S.W. 29th Street
Topeka, Kansas 66614

Southwest Regional Office
808 Highway 56
Dodge City, Kansas 67801

Southcentral Regional Office
Box 764, 204 West Sixth
Newton, Kansas 67114

Southeast Regional Office
222 West Main Building
Suite C & D
Chanute, Kansas 66720

M E M O

DATE: January 29, 1985
TO: Omar Stavlo, Chief of Law Enforcement
FROM: Glen L. Hurst, Regional Law Enforcement Supervisor *GLH*
SUBJECT: Harassment Complaints in the Northeast Region

On January 28, 1985, 12 Game Protectors from the northeast region were contacted either by phone or radio and asked if they had heard of or received any harassment complaints. I am sure that the other men not contacted have not received any complaints as I would have been notified of them. I have heard of this in some of the other states, as well as our own, but no problems have occurred in the northeast region on any of the public hunting areas.

We have a complaint from Mike Stewart and Bob Fay that three years ago at Lake Perry their deer stands were torn down they had built for archery season. The deer stands were just north of Rock Creek in the Hickory Estates Area which is on Corp operated land. They believe some of the people in the housing development may have destroyed them so they moved their blinds to another area.

Should you have any further questions let me know.

GLH/klg

Kansas Fish & Game

BOX 54A, RURAL ROUTE 2, PRATT, KANSAS 67124
(316) 672-5911

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Box 764, 204 West Sixth
Newton, Kansas 67114

Southeast Regional Office
222 West Main Building
Suite C & D
Chanute, Kansas 66720

January 29, 1985

TO: DEAN A. DEUTSCH, Regional Supervisor
FROM: Michael C. Little, State Game Protector
RE: Hunter Harassment Report

During the fall Archery deer season I was on routine patrol at the Ottawa State Fishing Lake. I had observed an archery hunter on the public hunting area located on the East boundary of the management area. I stopped to check the hunter for his license, permit and his equipment. I inquired as to the number of deer he had sighted during his hunt. The hunter advised he had not observed any deer this trip and he asked of the legalities of individuals walking through the timber creating noise and distractions. I asked what had occurred and the hunter stated that there had been some subjects walking through the area he was hunting and that they had been whistling, talking and banging on a tambourine. The hunter felt that the actions were deliberate and intended to scare any game away. I advised that there was no law being violated. I could not locate any subjects in the area, after the hunter had gone. No further incidents of this nature were brought to my attention after my contact with this hunter.

Michael C. Little
State Game Protector
Rt. 1, Box 637
Salina, Kansas 67401

Kansas Fish & Game

BOX 54A, RURAL ROUTE 2, PRATT, KANSAS 67124
(316) 672-5911

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Dodge City, Kansas 67801

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Box 764, 204 West Sixth
Newton, Kansas 67114

Southeast Regional Office
222 West Main Building
Suite C & D
Chanute, Kansas 66720

TO: Kent Jackson, Assistant Director
FROM: Jack Dunbar, Game Protector II
DATE: December 17, 1984
SUBJECT: Hunter Harassment - Kingman Game Area

On Tuesday, October 2, 1984 at approximately 2:30 PM I met with Mike Cox and Gene Brehm from the Fish and Game I&E Section, at the roadside park adjacent to Kingman Game Area along U.S. Highway 54.

Mr. Cox advised me at that time that he had been told to come to the Kingman Game Area by Director Bill Hanzlick to investigate a hunter harassment complaint. Mr. Cox told me that the Pratt Office had received a tip from someone that an organization known as Greenpeace was destroying (tearing down) archery stands in the Kingman Game Area, and that on Saturday, October 6, 1984 this organization was going to harass archery hunters in the Kingman Game Area and that they had done this in the past, on opening weekend of the archery season.

I advised Mr. Cox that I was not aware that this was going on because the last 4 or 5 years on opening weekend of archery season I had been assigned to Lake Afton in Sedgwick County to assist with a hunter safety program but that I knew a group of archery hunters who were at that time camped at the Kingman State Lake and that we could go over to the lake and talk to them.

We drove over to the State Lake and near the entrance we met Paul Price and another person, both bowhunters from Wichita. We stopped to talk to them. Mr. Price stated that in 1982 the opening weekend of archery season a group of people had been in the hunting area walking around beating on pots and pans and blowing whistles and at the 1983 opening weekend a group of people had been in the Game Area walking around shouting and making a lot of noise. He advises that this group had jogging suits and that he thought at the time they were engaged in some type of sporting activity. When he asked about the present season he advised that someone had torn down 6 deer stands from trees on the south side of Highway 54.

After talking to Mr. Price we drove on to the camping area to talk to the rest of this group of hunters. We talked to Parris Nottingham, Gary Raney, Ben Brook and Vernon Hyson all of Wichita. They all told us more or less the same thing that Mr. Price had told us.

We advised these hunters not to confront, or cause problems if they are harassed, to, so to speak turn the other cheek. They advised they would cause no problems, but if they were harassed they would contact either Fish and Game or the Kingman Sheriffs Department.

We left this group of hunters and checked the Game Area for other hunters. I found none, but I believe Mr. Brehm and Mr. Cox did talk to another group of hunters before they returned to the Pratt Office.

Later that afternoon I contacted Byron Walker, Kingman Game Area Manager and advised him of the situation (that there might be harassment on Saturday). I also informed my Area Supervisor Charles Schmidtberger (from Marion).

The next day Supervisor Schmidtberger advised that he, Regional Supervisor Bob Thomas, Chief of Law Enforcement Omar Stavlo and I would be in the Kingman Game Area Saturday morning patrolling.

On Saturday the four of us worked the area all day -- Supv. Schmidtberger in plain clothes posing as an archery hunter, nothing happened, just the usual archery hunters and occasional squirrel hunter all day.

On Sunday Schmidtberger and Thomas worked with me till noon then left, I worked the area till sunset and nothing unusual happened.

This is all I have to report on this subject at this time.

Irwin J. Dunbar

JD:plb

TIPS FOR HUNT SABOTEURS

Fourteen million Americans will be shouldering their rifles and shotguns within the next few months, marching off to their annual offensive against our wildlife. These legions, which are more numerous, and generally better equipped than the entire Nazi armies of the Second World War, will take a bloody toll before the season ends. They will kill deer and rabbits, ducks, dogs, cats, a few children, and even a few hunters.

It is time for friends of animals to start organizing a defense that will serve to at least temper the wanton destruction. There are many ways that a friend of animals can become a forest partisan on behalf of our wildlife, and we offer here a few suggestions that range in effort, depending upon a person's abilities and commitment:

1. Deny the hunter the land to hunt on. Much hunting is done on private lands. To protect these animals, encourage your neighbors, especially those who own large tracts such as farms and ranches, to post their land and forbid hunting. Try to convince them that hunters invariably cause more damage to agriculture than the wild animals do.
2. Many areas have hunting restricted to a specified number of hunters who have special permits. Commonly, these permits allow the hunter to use a particular blind or hunt less common species, such as bear. Apply for these permits yourself. The permits are usually awarded by a simple lottery selection. If you're lucky, you'll win a permit and deny a hunter his kill.
3. Get into the woods yourself the day before the hunting season. If you're familiar with the most commonly hunted areas, try to drive wildlife away. A stroll through the forest with a nice loud radio and a dog on a leash, will serve to make wildlife more wary of humans. This is particularly important for younger animals that have not yet had the traumatizing experience of being hunted.
4. Certain substances, such as rotten eggs, when rubbed into hunting blinds, make these enclosures even more uncomfortable for the hunters. Uncomfortable hunters are irritable, and are also poorer shots. Plastering the floor of a hunting blind with cow dung is another good idea.
5. If you're familiar with wildlife habits in your neighborhood, try to encourage them to break these habits shortly before hunting season. For instance, many hunters like to stalk along deer tracks which are pretty well defined to a good woodsman. Placing deer repellent (available at many feed and hardware stores) along these tracks will encourage the deer to move away and leave the hunter with a route devoid of the species. If you want to save money, just scoop up a bag of human hair from a local barber shop and hang handfuls of it in little bags about two or three feet from the ground, along the deer track. The deer will soon get the message that there are humans in the area and will drift away.
6. If there is much hunting with dogs in your area, try to get hold of a female dog in heat and lead her, on a leash, through an area that is heavily hunted. Male dogs in the hunter's pack will "get wind" of the female and lose their enthusiasm for chasing rabbits or deer.

7. Hunters frequently like to ambush their prey by setting out food and then hiding in blinds. Commonly, bushels of apples are set out a few days before hunting season to encourage deer to browse in this area. When hunting season comes, the hunter merely comes to the site, climbs into a blind, and waits for the deer to come to him. To disrupt this, there are two alternatives. First, remove all apple piles immediately on finding them during the days preceding hunting season. Second, if there are just too many apples to carry away, give them a good spraying with deer repellent and spread barber shop hair clippings all over the area.

8. Encourage your municipality to pass an ordinance that bans, in the interest of public safety, the use of all weapons within its limits. Rifles, shotguns, bows and arrows have been known to kill people too.

9. If you have a portable tape recorder, get a cassette recording of wolf howls. Play this in the woods a few times in the days before hunting season. It will make wildlife wary.

10. Try to develop strong anti-hunting sentiment in your community by writing letters to the editor of your local newspapers, meeting with neighbors, getting on talk shows. Creating public awareness of the problem is a vital point. Let your neighbors know that the law recognizes wildlife as belonging to all people, and they are not the exclusive property of hunters until after they have been murdered.

11. Work on a project to get your State to pass a law that would require all hunters to carry written permission from the landowners of the places they hunt. This further curbs the hunter's battlegrounds because many farmers are reluctant to sign permits that would allow people to hunt on their lands. Also, much land is owned by summer residents, corporations, etc. that are nearly impossible to get hold of.

12. Approach your Congressperson and Senators with demands that hunting and trapping be prohibited on national wildlife refuges and all public land.

13. If you have any old, stuffed animal toys, set these around commonly hunted areas. Hunters often don't take the time to check if an animal is real. Better to have a hole in a cotton rabbit than a real one - and the noise of the gun going off might serve to scare away other wildlife.

14. We will be trying to put together a better activist's guide for next hunting season, so if you have any ideas or procedures you've found effective, please let us know. Mail them in to Bill Clark, Friends of Animals, 11 West 60th Street, New York, NY 10023.

Use your imagination. There are plenty of ways to frustrate the hunt, depending on your own abilities and enthusiasm. The main point here is to do something. By your work, you will be helping animals in two ways. First, you will be protecting them from the hunters and second, you will be letting the hunters know that friends of animals are in the woods. This serves to anger them, and angry hunters do not stalk so quietly, their aim is not so precise. Emotions can play heavily in the success of a hunt, and the most effective killers are cool and methodical. Disrupt!

CONSERVE HUNTERS! - HARVEST ONE TODAY!

Dear Mr. Hunter:

Since we are in the process of creating a huge poster composed of letters written by hunters, we appreciate correspondence received from members of your sadistic fraternity. Be that as it may, this poster will be designed in the shape of a human brain which we shall call "The fog between the hunter's ears" or "The anatomy of molecular density"...so thanks for your contribution.

We're starting out at a disadvantage in this letter because we're puzzled about your strange brand of love...you know, your love for what you call "the natural world" and why you enjoy killing parts of it--or your love for wildlife, "that animals are things to be harvested" like corn or potatoes? So we'll play it safe and try our best to gain your hatred... who needs friends like you anyhow!

In all fairness, we understand that instead of eating grass, some of you must hunt for food. With all the money spent on rifles, ammunition, scopes, hunting clothes and trips, licenses, permits, duck stamps, beer and plastic junk for the kids, it's no wonder some of you are broke and can't afford to patronize a supermarket. Incidentally, we are told they have varieties of food in abundant supply and there is little danger of being bitten by mosquitos while browsing. We do admire your deep concern for baby calves which are butchered for food and also appreciate the fact that you frequently cry over the tragic plight of these animals. Who else but hunters could come up with the brilliant idea of terrorizing, crippling and killing other kinds of animals for pleasure in order to get even with the slaughterhouses for the horrible things they are doing!

Your wildlife managers are doing an excellent job at supplying you fellows with deer, elk, and pronghorn antelope to kill. We're just so glad that some of you only kill in order to save the animals from starvation. Perhaps you were chosen by God himself for this humanitarian mission because nature is so cruel and you have a better ideal!! Nevertheless, it's a good way to show those stupid bureaucrats just what happens when they waste taxpayers' money causing some species of animals to overpopulate.

We hate to admit it, but you certainly are brave fellows, after all what other breed of man would risk being pricked by a thorn, tripping over a twig, or being accidentally shot by a color-blind hunter crony who might mistake someone in the woods for an extinct dodo bird or a porcupine???

We would also like to congratulate you on your efforts at wildlife conservation even though hunters are exterminating

DIRECTORS: Arnold Bernhard, James J. Davis, Regina Frankenberg, Alice Herrington, Stephen Kellen,
Alan M. Faust, Jacques Lindoo, I. Stanley Sharp

the polar bear, the grizzly bear, the wolf, etc., and diminishing the long-term survival potential of game animals by killing off the best specimens. Why, because we know that future generations will be able to see what parts of animals looked like by visiting a dead hunter's trophy den. We only wonder what the dead hunter's puss would look like stuffed and cemented to a wall...ugh!

Last but not least: hunters who appoint themselves the stewards of wildlife are like foxes pretending to be the protectors of the chicken coop. However, there is one great difference between a hunter and a fox; foxes are honest and not sanctimonious hypocrites who hide behind the mantle of sportsmanship in order to excuse their lust for blood.

Luke A. Dommer

Luke A. Dommer, Chairman
Committee to Abolish Sport Hunting

LAD/bl

P.S. Is it really true that hunters wear bright colors for protection from each other...or is there some other reason???

L.A.D.

Animal friends map plot against hunters

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WESTPORT — Ten members of the locally-based Friends of Animals were scheduled to venture into two Fairfield County state forests today in an effort to hinder hunters before the state's upland game season begins Saturday at 7 a.m. According to spokesman Mrs. Sarah Rubenstein, members will trek up to the 2,000-acre Paugussett State Park in Newtown and the 1,060-acre Pootatuck State Park in New Fairfield. As a means of warning animals of the upcoming danger, members will spray cans of deer repellent, spread samples of human hair, and talk and play radios loudly. They also plan to bring dogs to the hunting grounds to spread unfamiliar animal scent. Mrs. Rubenstein said the several pints of deer repellent were purchased from local garden marts, while several beauty

parlors have been collecting bundles of hair scrap for the anti-hunting effort. A special target of the deer repellent and human hair will be any food stockpiles placed in the woods by hunters several days before the beginning of the season. The deer repellent and hair scrap, Mrs. Rubenstein said, "makes the deer more wary of people in the woods... it makes them a little more nervous." She added that the anti-hunting effort will only be conducted today, and that Friends of Animals members won't go into the forests during hunting season. "Hunters are real gun-happy," she said. "They'll shoot at anything that moves." Mrs. Rubenstein added that upstate members of the animal lovers group will visit a state-owned public hunting ground in the New London region. Mrs. Rubenstein, who works as a houseparent in the Saugatuck Congregational Church Youth Home for troubled youths here, reported that there are over 3,800 names on the mailing list of Friends of Animals, a nationwide organization.

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TESTIMONY PRESENTED TO THE
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

ON HOUSE BILL NO. 2292

BY

DEAN WILSON
FEBRUARY 23, 1987

I am a member of the Sierra Club, Topeka Audubon Society's Board of Directors and Conservation Issues Committee member, Kansas Wildlife Federation's Conservation Issues Committee, National Wildlife Federation, Kansas Canoe Association (past president, past chairman of legislative committee), and Riley County Fish & Game Association. I am speaking on behalf of myself and not representing these groups.

I belong to these groups because at times I am a consumer of our natural wildlife, and other times, a conserver/observer of our natural wildlife. While I am a consumer, there are laws that cover my personal property against vandalism. If I am fishing along a stream and a car pulls up and decides to throw rocks in the stream, disturbing my fishing, I have little legal recourse against this activity (no personal property effected). The key in the bill is that it must be a lawful activity (fishing license, landowner permission obtained if on private property, etc.). This does not impede a landowner from running off a person who is not lawfully participating in the activity of shooting, hunting, trapping, or fishing.

I urge you to pass this bill out of committee. Having received all the information on this bill during your committee hearings, when this bill is voted to the full House, I hope you will educate your fellow Representatives as to what this bill is and is not.

Dean W. Wilson
3509 SE Highland Ave.
Topeka, Kansas 66605
913-266-6591

Kansas Fish & Game

HEADQUARTERS
BOX 54A, RT. 2, PRATT, KS 67124



(316) 672-5911

Proposed amendments to 1987 HB 2292:

"The provisions of this act shall not apply to the actions of law enforcement officers and personnel of the Kansas fish and game commission in the performance of their official duties."

TESTIMONY PRESENTED

23 FEBRUARY 1987

to the

Natural Resources Subcommittee

House Committee on Energy and Natural Resources

I am R. Mark Wilson, V.P. Riley Co Fish & Game

H.B. 2292

ASSOC,
from Manhattan, KS

The legislation being considered today makes good sense for Kansas sportsmen and women. Although, well organized, large scale, efforts to prevent Kansas hunters, fishermen and trappers from pursuing their sports may not have occurred in Kansas at this time, believe me it is only a matter of time until it does. Many other states have had instances where people engaged in lawful outdoor recreation have been harrassed by groups opposing hunting, fishing and trapping. A notable instance includes protesting and harrassment of hunters at Great Dismal Swamp National Wildlife Refuge in New Jersey each year on the opening day of deer season.

Most of the antihunting, fishing and trapping organizations are based in large metropolitan areas and are made up of people whose day to day lives are distantly removed from firsthand experience with the outdoors. To people who live in urban environments, the mere chance to view a wild animal like a deer or fox is a treasure and the thought of killing wildlife is revolting to them. Although Kansas now also has a larger urban than rural population, many urban residents still have rural ties to the land and are aware of the land's ability to produce harvestable, annual crops of fish and wildlife. Thus, as yet, widespread, well-funded antihunting, fishing and trapping organizations have not flourished in Kansas. However, as Kansas' population grows even more urban in nature, organizations of this type will certainly develop.

Hunting and fishing are popular and perfectly legal activities in Kansas as sanctioned by the State's sale of licenses for the privilage of engaging in these pursuits. Furthermore, hunting and fishing are substantial sources of commerce in Kansas as evidenced by the fact that approximately 8 million dollars was pumped into the Dodge City area's economy last year on the opening weekend of pheasant season. These revenues resulted from hunting-related sales of lodging, food, gasoline and other supplies and services.

Because of the social as well as the economic benefits that are derived from hunting, fishing and trapping, the Riley County Fish and Game Association believes that the rights of people engaged in these pursuits should be protected from individuals and organizations that would seek to disrupt legitimate outdoor recreation activities.

Thank you for allowing me to present the views of sportsmen and women in the Manhattan area.



KANSAS GEOLOGICAL SURVEY

1930 Constant Avenue, Campus West
The University of Kansas
Lawrence, Kansas 66044-3896
913-864-5672

February 23, 1987

Statement with respect to HB2299 regarding construction of water wells and specifically declaring that all water in the Dakota aquifer is useable water.

I support the concept of protecting the Dakota aquifer from contamination by waters of lessor quality or of better quality by not hydraulically connecting the Dakota with other aquifers in a well or bore hole. There is very little reliable information on the water quality in the Dakota in northwestern Kansas. There are water wells drilled into and producing fresh or useable water from the Dakota in Wallace, Logan, Gove and Trego counties in the 12 northwestern Kansas counties (Keene and Bayne, 1977). Information on water quality calculated by spontaneous potential readings logged in oil and gas wells suggest there is useable quality water in the Dakota in all 12 of the northwestern Kansas counties (Malone, 1985). However, until there are more wells drilled into the Dakota that are properly cased and grouted and from which reliable samples can be obtained there will continue to be much doubt about the potential value of the Dakota aquifer as a source of fresh or useable water in northwestern Kansas. In the future, as ground water in the Ogallala is further depleted, it is probable that new wells will be constructed into the Dakota and it will be utilized as a source of fresh or useable water. Recognizing this potential for future use we should adopt policies that will protect the water in the Dakota until water from this aquifer is developed. Because of the much greater cost of Dakota wells and uncertainty of its quality it will not have much development as long as shallow Ogallala water is available.

I have been a public advocate of water well contractors and State water agencies jointly developing policies protecting aquifers from contamination or waste of fresh water by hydraulically connecting aquifers of different quality and different heads since 1982 (O'Connor, 1982).

Ammended rules and regulations were recently approved which now require separation of aquifers by grout in a cased water well and all known or suspected natural or man-made pollutants shall be cased and grouted off during construction of the well. The old and new regulations are cited below.

Article 30 -- Water Well Contractors License, Water Well Construction and Abandonment

Old Regulation

28-30-5(d). Confined waters shall be separated from each other and from unconfined waters encountered in the same bore hole with grout or other approved material in areas designated by the department.

New Regulation

28-30-6(d). Waters from two or more separate aquifers shall be separated from each other in the bore hole by sealing the bore hole between aquifers with grout.

Old Regulation

28-30-6(1). All groundwater producing zones that are known or suspected to contain natural or man-made pollutants shall be adequately cased and grouted off during completion of the well to prevent the movement of the polluted groundwater to either the overlying or underlying fresh groundwater zones.

New Regulation

28-30-6(1). All groundwater producing zones that are known or suspected to contain natural or man-made pollutants shall be adequately cased and grouted off during construction of the well to prevent the movement of the polluted groundwater to either overlying or underlying fresh groundwater zones.

The important differences between wording of the old and new regulations are underlined.

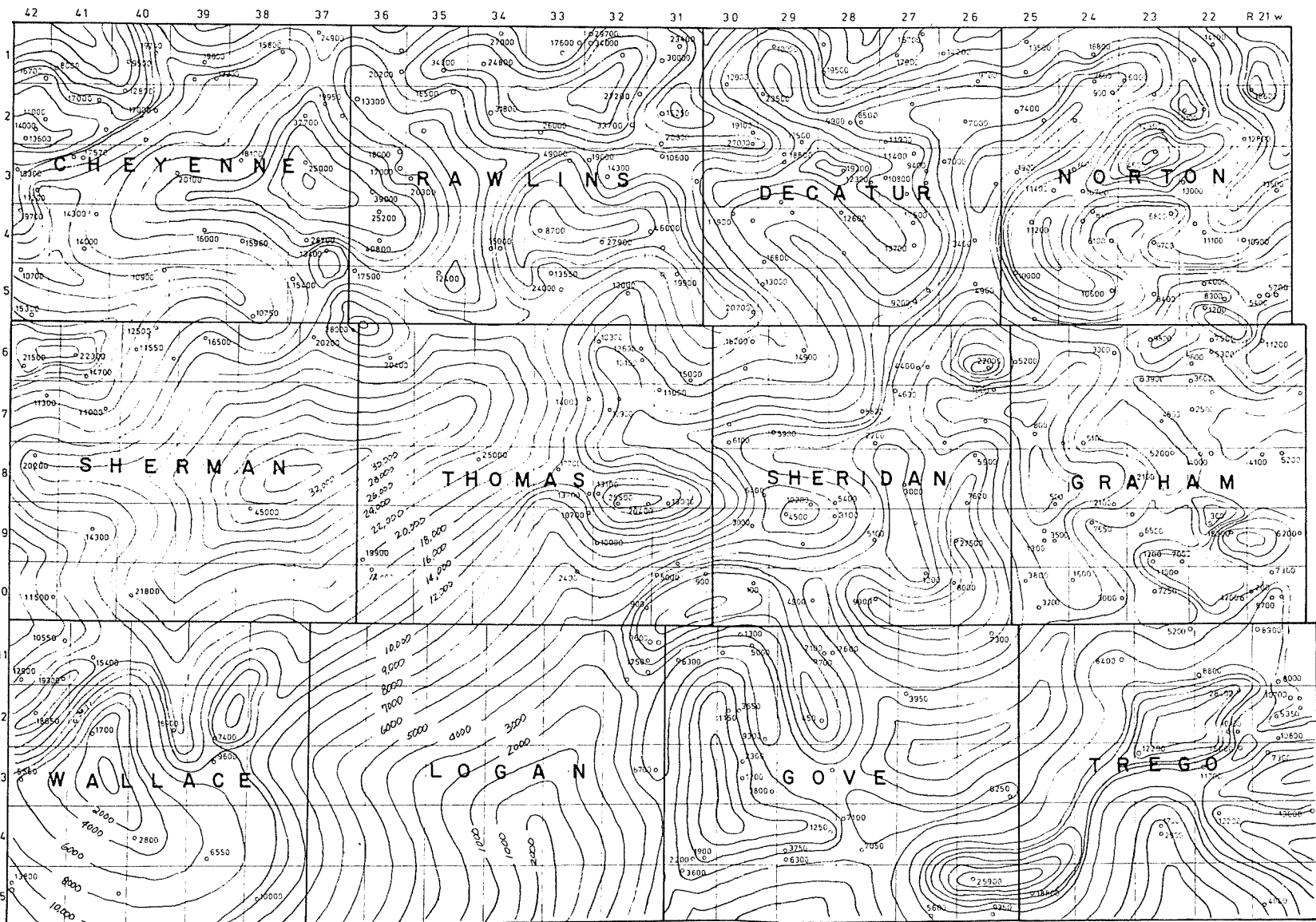
In conclusion, I believe the existing rules and regulations are adequate to protect fresh and useable water in the Dakota irregardless of whether HB2299 becomes law if the meaning of the rules and regulations are understood by the industry and enforced by the state.



Howard G. O'Connor
Geohydrology Section

2 Attachments
Map by Pat Malone
KGS Journal Article, 1982

MAP SHOWING SALINITY OF DAKOTA ROCKS AS CALCULATED BY SPONTANEOUS POTENTIAL



PREPARED BY PAT MALONE

U.S. GEOLOGICAL SURVEY

From map of ...

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THE JOURNAL

Kansas Geological Survey

HYDRAULIC INTERCONNECTION OF AQUIFERS BY WELLS— BENEFITS, HAZARDS, AND POLICIES

by

Howard G. O'Connor

The early groundwater developments in Kansas were intended to serve a rural and small-town population. In the early 1900s, large-diameter, shallow wells were common, and drilled wells were generally constructed using a cable tool or percussion-type drill rig. Drilled wells were cased with iron casing or galvanized steel casing. Prior to the rural electrification programs of the 1930s and 1940s, rural domestic and stock water supply needs were small.

Since the 1930s and 1940s, suburban and small-tract rural populations using

individual wells for domestic water supply have increased. At the same time, groundwater usage increased because of piped water, electric pumps, and an increased number of water-using devices in the home.

Today hydraulic rotary drill rigs are probably used more than cable tool rigs to drill wells. Rotary rigs have the advantage of being faster, but make it difficult to easily recognize, while the well is being drilled, each zone that may contribute water to a well. Wells today also tend to be drilled deeper than earlier wells. The average suburban, small-tract rural or farm well today is likely to penetrate two or more water-bearing beds or aquifers, to be constructed with plastic casing and screen, and to have a highly permeable gravel pack about two inches thick between the sides of the bore hole and the casing. Having a permeable gravel envelope around the well casing from 10 feet (base of grout) to the bottom of the well allows all water zones penetrated by the

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| 6 | New GSAC Members Appointed |
| 7 | Survey Awarded Contract to Study Kansas, Nebraska Quakes |
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| 8 | List of Open-File Material Available |
| 9 | Kansas Topo Mapping Completed |

well to drain into and contribute to the yield of the well. Generally, the top 10 feet of the bore hole are grouted with cement or a bentonite seal and meet all the minimum construction standards established by the State.

Generally, the water table in the weathered surficial deposits and the shallow unconsolidated deposits has a higher head or water level than in deeper aquifers. There are, of course, exceptions to this generalization, but the rule may be applied generally to aquifers or zones that contain fresh or usable water. Thus, the typical domestic and stock well constructed today meets established minimum construction standards, but also provides hydraulic interconnection of two or more aquifers. Since the shallowest aquifer generally has the highest water level or head, the gravel-walled well provides a direct and continuous means of drainage of the shallow aquifer. Unless an equilibrium is reached, the drainage is continuous. In some wells screens are installed opposite each water-bearing zone, provid-

ing an even easier pathway for water to flow from one zone to the other inside the well casing.

More than 3,000 stock, domestic, and lawn or garden irrigation wells are completed annually in Kansas, many of which penetrate two or more water-bearing zones or aquifers and effectively act as drains on the local shallow aquifer. Because many of these wells are in suburban and small-tract rural development areas, they constitute a significant but previously unrecognized problem that involves waste of a natural resource and has detrimental environmental effects. These include unnecessary declines in water levels, drainage of shallow aquifers, reduced or complete cessation of spring flows from shallow aquifers, and financial costs to owners of wells in the shallow aquifers if the wells become inadequate or go dry and have to be deepened or replaced.

Well density in suburban or small-tract rural areas may range from one well per five acres to one well per acre (about 125 to 500 wells per square mile density). If septic tanks are used or if excessive amounts of herbicides, pesticides, or fertilizers contaminate the shallow aquifer, there is a potential hazard of pollution to all of the aquifers penetrated. Under some conditions, shallow aquifers contain water of poor quality naturally or because of man's activities, and may overlie a deeper aquifer containing good-

Volume 4, Number 2, Summer 1982

KANSAS GEOLOGICAL SURVEY
The University of Kansas
1930 Avenue A, Campus West
Lawrence, Kansas 66044

William W. Hambleton
Director and State Geologist
Rex Buchanan
Director of Information and Education
Nancy P. Christensen
Editor

quality water. If they are connected, the result may be degradation of water quality in the deeper aquifer.

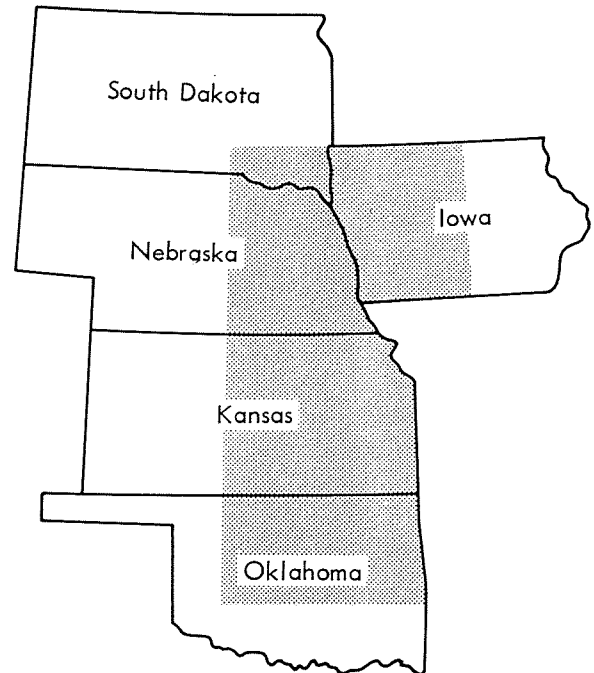
There have been specific examples of hydraulic interconnection of aquifers at Lawrence, Manhattan, and Lost Springs. With recognition of the actual and potential problems associated with hydraulic interconnection of aquifers, it is clear that water-well contractors and the State should jointly develop policies, as well as continuing educational and technical exchange programs, to resolve these problems.

Howard O'Connor is a senior geologist at the Kansas Survey and a member of the Survey's Geohydrology Section. This article is based on a paper delivered at the 1982 annual meeting of the Kansas Academy of Science, held in Manhattan.

FOUR-STATE MAPS AVAILABLE

The Kansas Geological Survey now has available a suite of nine large-scale regional maps showing different geologic features of the Nemaha Uplift and adjacent structural areas, according to Frank Wilson, senior geologist at the Kansas Survey.

The maps, available in a blue-line format, were produced as part of a cooperative project between the state geological surveys of Kansas, Oklahoma, Nebraska, and Iowa. Much of the funding for the project was provided by the Nuclear Regulatory Commission.



Area Covered by New Suite of Maps

The suite consists of maps of LANDSAT lineaments, earthquake epicenters, surface bedrock geology, base of the Kansas City Group, shaded topographic relief, top of the Precambrian, Bouguer gravity, magnetics, and Precambrian rock types.

The maps measure about two feet by three feet and are drawn at a scale of one to a million, so that one inch on the map equals about 16 miles.

Wilson said the four state surveys were also cooperating on the publication of a similar set of five, smaller-scale maps.

The maps cost \$5.00 each and may be obtained from the Kansas Geological Survey Publications Department.

Testimony on
House Bill 2299

by
Kansas Water Office

House Sub-Committee on Natural Resources

February 1987

House Subcommittee on Natural Resources

2-23-87

#10

Kansas Water Office Water Supply and Demand Report

- Purpose
 - * Identify Areas of the State with Current or Future Water Supply Problems
 - * Identify trends in the Availability, Quantity, Quality and Use of Water Resources.
- Groundwater Supply Estimates
 - * Study Constraints
 - Consider only groundwater with less than 1,000 total dissolved solids
 - Consider only economically available groundwater
 - * Study Results (Acre-Feet)
 - 8,174,000 Alluvial (major river valleys)
 - 8,806,000 Glacial (northeastern Kansas)
 - 178,146,000 High Plains (mostly Ogallala and Equus Beds)
 - 435,858,000 Great Plains (mostly Dakota Sandstone)
 - 17,398,000 Ozark Plateaus (mostly Arbuckle Group)
 - 648,382,000 Total Groundwater Supply
 - * Map of Great Plains Aquifer

Dakota Aquifer Study

- Agencies/Entities Requesting Dakota Aquifer Studies to the Kansas Water Authority
 - * Division of Water Resources
 - * Kansas Department of Health and Environment
 - * Kansas Water Office
 - * Groundwater Management District No. 1
 - * Smoky Hill-Saline Basin Advisory Committee
 - * Upper Republican Basin Advisory Committee
- Highest Priority Category of Research Needs (Kansas Water Authority)
- Objectives
 - * Provide information for protecting the Dakota Aquifer from contamination
 - * Provide information for making future water appropriation decisions
 - * Provide information for the optimal utilization of the State's groundwater resources
- Dakota Aquifer Study Memorandum of Understanding
 - * Interagency Coordinating Committee
 - Kansas Corporation Commission
 - Kansas Water Office
 - Division of Water Resources
 - Kansas Department of Health and Environment (invited member)
- Master Study Plan
 - * Phase I
 - Funded for \$100,000 from the Kansas Corporation Commission Oil and Gas Conservation Fee Fund
 - Study focuses on Graham, Rooks, Osborne, Trego, Ellis, Russell, Ness, Rush and Barton counties
 - * Phase II
 - Kansas Water Office requested \$100,000 for fiscal year 1987 (not approved by Legislature)
 - Kansas Water Office requested \$100,000 for fiscal year 1988 (Removed by the Governor)
 - Tentative target area is Greeley, Wichita, Scott, Lane, Logan and Gove counties

-- Phase III

- ** Kansas Water Office plans to request \$100,000 during fiscal year 1989
- ** Tentative target area is Norton and Phillips counties

-- Phase IV

- ** Kansas Water Office plans to request \$100,000 during fiscal year 1990
- ** Analyze the data collected during Phases I - III to address the study objectives listed above

Rationale for Kansas Water Office Support for House Bill 2299

- 1986 U.S. Geological Survey Study Shows that Two-thirds of Kansas Good-Quality, Economically Available Groundwater Supply is in the Great Plains Aquifer
- Completion of the Four - Phase Dakota Aquifer Study is Needed to Further Evaluate this Major Groundwater Aquifer
- It is much Cheaper to Protect the Dakota Aquifer Now Than to Attempt to Clean it up in the Future .

March 13, 1986

MEMORANDUM OF UNDERSTANDING
between
THE DIVISION OF WATER RESOURCES, THE KANSAS WATER OFFICE
AND KANSAS CORPORATION COMMISSION (CONSERVATION DIVISION)
RELATED TO
DAKOTA AQUIFER STUDY

The intent of this agreement is to establish a basis for mutual understanding and cooperation between the Division of Water Resources, the Kansas Water Office and the Kansas Corporation Commission (Conservation Division) for the purpose of conducting and coordinating a Dakota Aquifer Study to begin in FY 1986 and extend, depending upon a continued source of funding, through FY 1989.

I. DAKOTA AQUIFER MASTER STUDY PLAN

A. Introduction

At present, groundwater is meeting more than 80 percent of Kansas' water needs. However, some of the presently known and well defined major sources of groundwater (particularly the Ogallala Aquifer) are being depleted. In order to maintain and enhance the continued growth of the Kansas economy, it is essential that the state try to identify and develop additional sources of groundwater supply. One major potential source of additional groundwater supply is the Dakota Aquifer System, which underlies most of central and western Kansas and has a high potential for being a major source of future water supplies in Kansas. However, the present knowledge about the boundaries of the aquifer and the quantity and quality of available water supply from this aquifer in different parts of western and

central Kansas is too insufficient to define those areas where it is or is not a dependable source of water supply.

More definitive knowledge about the Dakota Aquifer systems could go a long way in meeting the future water needs of central and western Kansas. This study would provide valuable information for developing more judicious and economical state water plans, for making future water appropriation decisions, for developing optimum utilization of the state's groundwater resources and for protecting the water of the Dakota Aquifer from possible contamination from the disposal of oil field brines and enhanced recovery projects.

B. Current Studies Relevant to the Dakota Aquifer

Two current studies are relevant to the Dakota Aquifer Master Study Plan. The Kansas Department of Health and Environment has received \$30,000 from the U.S. Geological Survey to provide additional information for the Region Aquifer Study Analysis (RASA) in northwestern Kansas during the time period from August 1, 1985 to July 31, 1986. This study only provides sufficient funds to utilize two or three existing oil well borings for the purpose of obtaining water levels, water quality samples and corresponding laboratory analyses from the Dakota and associated aquifer/formations. The location of these two or three wells depends upon finding a cooperative operator and landowner who has a dry oil well hole near an area where additional data are desirable. Hence, although the primary area under consideration includes the counties of Cheyenne, Rawlins,

Decatur, Sherman, Thomas, Sheridan and Wallace counties; it may be necessary to consider a location(s) in Graham, Rooks, Osborne, Trego, Ellis, Russell, Ness and Rush counties.

A second study of interest is the Cedar Hills Sandstone Disposal Well Study. This is an ongoing study to evaluate the Cedar Hills disposal wells with respect to possible added salt water pollution in the Great Bend Prairie and determine if and where monitoring may be necessary for new Cedar Hills wells or whether future Cedar Hills disposal should be prohibited in some of the area. The area of study includes part or all of the counties of Rush, Barton, Pawnee, Stafford, Edwards and Pratt.

C. Dakota Aquifer Study Phases

The study phases for the Dakota Aquifer cover a four year period. Phase I has \$100,000 in funds approved from the Kansas Corporation Commission Oil and Gas Conservation Fee Fund and is scheduled for the time period from January 1, 1986 to December 31, 1986. The area to be studied covers the counties of Graham, Rooks, Osborne, Trego, Ellis, Russell, Ness, Rush and Barton. This area has first priority for three important reasons. (1) It is very important to know if past and present Cedar Hills disposal has caused interformational flow between sandstone aquifers including the Dakota to the extent that deterioration of water quality is occurring. (2) To determine if the groundwater protection underground injection control monitoring and area of review requirements are valid for the Dakota. (3) The City of Hays and other cities and communities in the

Ellis and Russell county areas are experiencing current and/or future water supply problems and this study will help determine if the Dakota Aquifer has good enough quality water to be a viable alternate water source.

Phase II is planned for the time period from January 1, 1987 to December 31, 1987 and \$100,000 has been requested by the Kansas Water Office to conduct this phase of the study. The area of study will be Greeley, Wichita, Scott, Lane, Logan and Gove counties. This area was chosen for Phase II, because very little Dakota related research has taken place, and water quality information is scanty. In addition to the type of study objectives proposed for Phase I, this phase will include the development of an intraflow model, with emphasis on the Cheyenne Sandstone. The lateral Cheyenne quality variations have a direct bearing on Table I surface pipe requirements.

Phase III is targeted for the January 1, 1988 to December 31, 1988 time period and will focus on Norton and Phillips county areas. The research objectives of the previous phases will include evaluation of oil field pollution in the Dakota Aquifer in more detail and more fully consider general water quality aspects. As in Phases I and II, the technique developed by Don Whittemore, Kansas Geological Survey, will be utilized to detect oil field brine.

Phase IV of this study will cover the time period from January 1, 1989 to December 31, 1989. This crucial phase of the study will utilize the information gathered in Phases I-III and

other relevant studies for the purpose of preparing a general report on the hydrologic and geologic characteristics of the Dakota Aquifer and stratigraphically adjacent aquifers/formations, with an emphasis on:

1. An evaluation of the degree to which fresh and usable water resources should be protected from pollution associated with oil field activities.
2. The quantity of fresh and usable water available.

II. INTERAGENCY COORDINATING COMMITTEE

A. Committee Members

The Chief Engineer (Division of Water Resources), Director (Kansas Water Office) and the Director (Kansas Corporation Commission, Conservation Division) shall each designate two members from their respective staff to serve on the committee. The committee chairperson shall be appointed by the Director of the Kansas Water Office.

B. Committee Objectives

The committee objectives are listed below:

1. Prepare a proposed contractual agreement for Phases II, III and IV by September 1 of the year in which each respective phase is funded.
2. Review all proposals for each phase of study.
3. Review each quarterly progress report submitted by the contractor, (Kansas Geological Survey or U.S. Geological Survey or other appropriate agency/entity) for each of the four phases of the study.

4. Review, in detail, the preliminary report submitted by the contractor at the conclusion of each of the four phases of the study.
5. Provide input and/or documents to the Director(s) of the agencies or division of an agency participating in this Memorandum of Understanding in regard to each of the above items.

III. CONTRACTUAL DECISIONS

The contracting agency in whose budget the funds for a specific phase of the Dakota study are placed shall consider all input from the Interagency Coordinating Committee. However, the contracting agency shall be responsible for all final decisions; including, but not limited to:

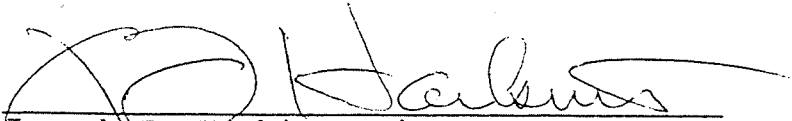
1. The content of the contractual agreement.
2. The contractor to be selected.
3. The acceptability of the quarterly project reports.
4. The acceptability of the preliminary report of the entire phase or phases.

In the event that there is more than one agency in whose budget the funds are placed for any specific phase of the study, there will still be only one contractual agreement for that phase. Final decisions will be made as described above, except that the directors of the respective agencies shall jointly agree on the nature and content of the decisions.

IV. SIGNATURES

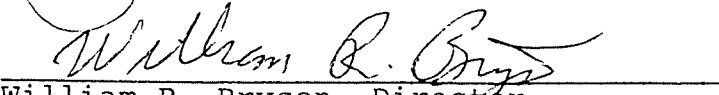
In witness thereof, the parties have signed this agreement and agree to abide by the basic conditions of this memorandum of understanding.

17 March 86
Date



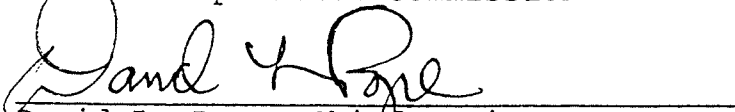
Joseph F. Harkins, Director
Kansas Water Office

4 April 86
Date



William R. Bryson, Director
Conservation Division
Kansas Corporation Commission

1 April 86
Date



David L. Pope, Chief Engineer
Division of Water Resources



KANSAS INDEPENDENT OIL & GAS ASSOCIATION

500 BROADWAY PLAZA • WICHITA, KANSAS 67202 • (316) 263-7297

February 23, 1987

TO: House Energy & Natural Resource Sub-committee
on Natural Resources

RE: HB 2299 - Water Well
Construction

KIOGA opposes HB 2299. Section 1(e) proposes a definition of usable water and would identify all water in the Dakota Aquifer as usable, regardless of its quality.

Your Committee will remember last year when we presented testimony and facts that showed that some of the Dakota is far above 10,000 mg/liter total dissolved solids: In fact, much of it is twice that salty and some parts are three times that amount. It would be irresponsible to identify all of the Dakota as usable water.

A study is currently being conducted by the KGS to provide additional data to determine the ultimate level of protection that is needed. The second year of that study was funded last year by the legislature.

The proposed definition of usable water conflicts with definitions already established and in use by the KCC in KSA 55-150(h) where Table I surface pipe protection requirements are developed by the KCC for all oil field related wells. This conflict with KCC authorization and regulations would be highly confusing. The proposed definition is also more strict than EPA water protection standards of 10,000 total dissolved solids, upon which KSA 55-150(h) is based.

As far as the provision on line 0069, requiring the Secretary of KDHE to protect groundwater, Chapter 82a-1201 etc. already grants this authority to KDHE to prevent contamination of well water from badly constructed water wells.

We believe HB 2299 should not be passed.

Donald P. Schnacke

DPS:pp

House Subcommittee on Natural Resources

2-23-87

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