

Approved March 6, 1989
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Dennis Spaniol at
Chairperson

3:30 ~~am~~/p.m. on February 23, 1989 in room 526-S of the Capitol.

All members were present except:

Representative Holmes (excused)
Representative Rezac (excused)

Committee staff present:

Lynne Holt, Legislative Research
Mary Torrence, Revisor of Statutes' Office
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Representative Robert E. Krehbiel
Gary Bruch, Past President, KS Commercial Fish Growers Association
George Martz, Martz Fish Sales
Charles W. Wallace, Secy.-Treas., KS Commercial Fish Growers Assoc.
Sidney Corbin, Corbin Fish Farm, Towanda, Kansas
Mark L. Hajek, President, KS Commercial Fish Growers Association
Robert L. Meinen, Secretary, KS Department of Wildlife and Parks
Joe Kramer, Kansas Department of Wildlife and Parks
Spencer Tomb, Conservation Vice President, Kansas Wildlife Federation
Representative Jeff Freeman
Kathy Brown George, Commissioner, KS Dept. of Wildlife and Parks and
Vice President, First Kansas Development, Inc.
Representative Max Moomaw
Lee C. Gerhard, Director, KS Geological Survey, Lawrence, Kansas
Glenn F. Rockers, Commercial Fossil Collector, Hays, Kansas
David M. Tanking, Commercial Fossil Collector, Lawrence, Kansas
Jeffrey P. Tanking, Lawrence, Kansas

House Bill 2213 - Prohibiting state from stocking certain private waters.

Representative Krehbiel appeared as sponsor of the bill, relating that it was introduced at the request of some Kansas fish farmers and the Kansas Commercial Fish Growers Association (KCFGA). He noted that an agreement had been reached with the Department of Wildlife and Parks to clarify the wording of House Bill 2213. An amendment is attached to his written testimony. Attachments 1 and 1a.

Gary Bruch, past president of the KCFGA, supported this bill because his group believed that it would enhance the marketing opportunities for commercial fish growers. Included in Mr. Bruch's testimony was a letter to Dr. W. A. Carriger, Sr. from Otto W. Tiemeier, Manhattan, Kansas. Attachments 2 and 2a.

George Martz, Martz Fish Sales, testified in favor of House Bill 2213. He felt that fish furnished with money from license and hatchery fees should be available for license buyers to fish for. Letters from Brent Randall and Frank Emery were attached to Mr. Martz's written testimony. Attachments 3, 3a and 3b.

George Wallace, Americus, Kansas, speaking on behalf of the KCFGA, supported House Bill 2213. He called attention to Dick King's letter in The Kingman Journal, a list of the 52 members of the KCFGA, and an article from the Kansas Farmers Union News which were attached to his written testimony. Attachments 4, 4a, 4b and 4c.

Discussion followed.

Sidney Corbin, Towanda, Kansas, testified in favor of House Bill 2213. Mr. Corbin displayed two fish, a small one which he said was about the

CONTINUATION SHEET

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size used by the Department of Wildlife and Parks and a larger one, approximately the size sold by his fish farm. Attached to Mr. Corbin's testimony were a copy of the letter printed in The Kingman Journal, a California Hatchery Evaluation Study, an article from the Water Farming Journal and information regarding the Milford Production record, taken from the Wichita Eagle-Beacon. Attachments 5, 5a, 5b, 5c and 5d.

Further discussion followed.

Mark Hajek represented the Kansas Commercial Fish Growers Association as its' president. He spoke in support of House Bill 2213, commenting that the Department of Wildlife and Parks currently stocks privately owned ponds and watersheds, using part of the money from Kansas fishing licenses. In most cases, the persons holding these licenses are not allowed to fish these waters. Attachment 6.

Secretary Meinen, Department of Wildlife and Parks, spoke in opposition to House Bill 2213. He noted that the Department had been working with Representative Krehbiel on an amendment to the bill. Joe Kramer of the Department described the background and present programs that would be affected by this legislation. Attachment 7.

During committee discussion, Chairman Spaniol requested staff to provide a copy of a post audit report done approximately a year ago which would contain information regarding the cost of fish in the hatcheries. Secretary Meinen requested that the amendments made in House Bill 2213 be referenced back to rules and regulations pursuant to KSA 753905 in House Bill 2005.

Spencer Tomb, representing the Kansas Wildlife Federation, testified in opposition to House Bill 2213. He emphasized that the current practice of giving fish for stocking in new or rehabilitated ponds on private lands helps to keep these private ponds open for the public's use. Attached to Mr. Tomb's testimony was an article from A Plan For Kansas Wildlife. Attachments 8 and 8a.

During discussion, Representative Krehbiel read the proposed amendment, which would address Mr. Tomb's concerns.

Written testimony was submitted by Hartley Fish Farm, Kingman, Kansas. Attachment 9.

House Bill 2303 - Crossbow hunting authorized for handicapped persons.

Representative Freeman explained his reason for sponsoring this bill, noting that it was patterned after current law in Florida. He felt that no more than ten to twenty people in Kansas might take advantage of using the crossbow. Turning to the bill, he felt that the language needed to be tightened relative to "permanent disability". On line 31, regarding dual certification, language could be added to the effect that application should also be made to the Department of Wildlife and Parks for approval and periodically reviewed. Representative Freeman also had considered including an unclassified misdemeanor and \$100 fine for anyone who would intentionally misuse this statute. It was recommended that crossbow users hunt under the "buddy system" in order to track down wounded deer.

Spencer Tomb testified in favor of House Bill 2303, representing the Kansas Wildlife Federation. They would like to see increased use of our natural resources by handicapped users and felt that use of the crossbow by those with substantial upper body disability might be appropriate. Attachment 10.

Secretary Meinen, Department of Wildlife and Parks, did not support House Bill 2303 because of concerns relative to a definition of permanent disability and the capability of a disabled person to pursue a wounded animal. Attachment 11.

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Kathy Brown George, a commissioner with the Department of Wildlife and Parks, also represented First Kansas Development, Inc. She spoke in opposition to House Bill 2303 because of concerns regarding the term "permanent disabilities". She felt that the special process of disability certification could easily be abused as it is currently worded. Attachment 12.

Ron Smith, Chairman of the Legislative Committee, Kansas Bowhunters Association, submitted written testimony in opposition to House Bill 2303. Included with his testimony was a page of illustrations of typical medieval crossbows and cocking devices. Attachments 13 and 13a.

House Bill 2341 - Commercial fossil hunters regulation.

Representative Max Moomaw, sponsor of this bill, related a need for landowners to be aware that some fossils collected from their land are sold for large sums of money. He called attention to an article from The Hays Daily News which accompanied his testimony. Attachments 14 and 14a.

During discussion, Representative Moomaw explained that the intent of the bill is to require fossil hunters to obtain written permission. He noted that if any university geology classes or groups collected fossils and did sell them, they would fall in this category.

Lee Gerhard, State Geologist, testified in support of House Bill 2341. However, he would not want to see any amendment that would extend the provisions of the bill to non-commercial collecting, thus increasing difficulty for educational and hobby groups to pursue their interests. Attachment 15.

During discussion, Mr. Gerhard noted that the value of the fossil in the ground is a very small part of the value to the buyer after it has been excavated, prepared, resurfaced, mounted and sold.

Glenn Rockers told the committee that he is the only full-time commercial fossil collector in Kansas, operating a company known as Paleo Search in Hays. Mr. Rockers opposed House Bill 2341, describing it as unnecessary legislation which is more complex than it appears. Attachment 16. Attached to Mr. Rocker's testimony are the following:

A list of gem, mineral and fossil clubs in Kansas. Attachment 16a.
Documents substantiating Mr. Rockers' testimony. Attachments 16 b, 16c, 16d, 16e. 16f and 16g.

During discussion, Mr. Rockers advised that 12½ percent of what he sells a fossil for is returned to the landowner where it was found.

David Tanking testified in opposition to House Bill 2341, as a part-time commercial fossil collector. He felt that this law was merely rewriting the trespass law. He believed that the bill would hinder earth science clubs, high school field trips, etc. Attachment 17.

Jeffrey P. Tanking appeared in opposition to House Bill 2341 as it relates to fossil collecting as a hobby. He felt that this legislation would discourage 4-H clubs and student field trips, as well as college and university classes in the geology and paleontology fields. Attachment 18.

The meeting was adjourned at 5:30 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held at 3:30 p.m. on February 27, 1989 in Room 526-S.

Date: Feb. 23, 1984

GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

NAME	ORGANIZATION	ADDRESS	PHONE
Emma Matz	Kans Commercial Fish Shows	7612 ^{OPK} Saulte Fe	648 7901
Leop Matz	" " " "	" " " "	" "
Don Sahler	Kans Com Fish Growers	R2 Burlingame ¹²²	654 3950
Harry Bruch	Kans. Commercial Fish Growers	R1 Strong City, Mo.	273-6612
Mark L Hajek	Kans Commercial Fish Growers	R1 Box 216 Marion, KS	382-2321
Colleen Hajek	Ks. Commercial Fish Growers	R1, Box 216 Marion, KS	382-2321
Deborah L Hajek	Kans Farmer	R1 Box 59 Tampa, KS	965-7173
Paul F Hajek	Marion Co Farmer	R1 Box 59 Tampa, KS	965-7173
Brenda Bruch	Kansas Fish Growers	Rt. 1 Strong City, KS	316-2736612
Wendy Bruch	" " " "	" " " "	" "
B B Mearns	Wildlife Park	Top	2281
Julia Julew	Kansas Geological Survey	Lawrence, KS	3965
Mike Conn	The Hays Daily News	Hays, Kan.	628-1081
Rex Buchanan	Ks. Geological Survey	Lawrence, KS	3965
Tom Witty	Ks. State Historical Soc.	Top. lev, Ks.	216-4781
Jeffrey P. Tanking	FOSSIL COLLECTOR	2557 REDBUD R1 LAURENCE, KS	843 1129
DAVID M. TANKING	Commercial Fossil collector	1900 W 31ST LOT V15 LAURENCE, KS	842-6304
GLENN F. ROCKERS	Fossil Collector	209 W 17TH ST HAYS, KANSAS	625 2245
Joseph R. Verbeest	Fish Grower	Kingman, Kan.	532-3093
Johnny Cochran	Fish Farmer	Town And A Ks	316 775 2621
Charles W. Wallace	" " " "	Allen " "	316 443-5528
Joe Kramer	Ks Dept. Wildlife Parks	Pratt, KS	316-672-3415

STATE OF KANSAS

COMMITTEE ASSIGNMENTS
MEMBER: ENERGY AND NATURAL RESOURCES
GOVERNMENTAL ORGANIZATION
LOCAL GOVERNMENT

ROBERT E. KREHBIEL
REPRESENTATIVE, 101ST DISTRICT
RENO AND KINGMAN COUNTY

P.O. BOX 7
PRETTY PRAIRIE, KANSAS 67570



TOPEKA

HOUSE OF
REPRESENTATIVES

HOUSE COMMITTEE ON
ENERGY AND NATURAL RESOURCES

February 23, 1989

By Representative Robert Krehbiel

Thank you, Mr. Chairman, for holding a hearing on H.B. 2213. I have introduced this bill at the request of some Kansas pioneers in fish farming and the Kansas Commercial Fish Grower's Association.

Fish farming is a rapidly developing and important part of the agricultural economy in my district and in the State of Kansas. Further encouragement of fish farming is good public policy.

K.S.A. 32-215(e) gives the Secretary of the Department of Wildlife and Parks permission to give or distribute fish needed for stocking or restocking waters in this state. This supply of fish produced by State Government represents tax supported competition with private enterprise. This does not encourage private fish farming. Further, when fish are placed in private waters, taxpayers may not have access to such tax supported fish.

H.B. 2213 is a simple amendment to existing law which will prohibit the Secretary from giving or distributing fish needed for stocking any private waters. I believe the testimony of conferees from the Kansas Commercial Fish Grower's Association will indicate that private growers are capable of filling the stocking needs of private waters in an efficient and economical manner.

Again, thank you for your consideration of H.B. 2213.

H Energy ^{and} NR
2-23-89
Attachment 1

(c) The secretary is hereby prohibited from exchanging, giving or distributing any species of fish needed for stocking or restocking any private waters in this state unless such fish are purchased from a private fish grower.

As used in this subsection, "private waters" means any water impoundment constructed by man and located wholly within lands owned or leased by the person maintaining such impoundment. Private waters does not include any impoundment owned or leased by a federal or state governmental agency or by a person or persons who have entered an agreement with a federal or state governmental agency that such impoundment will be open to public use.

Energy and NR
2-23-89
Attachment 1a

OPPOSITION OF GIVE AWAY FISH BY KANSAS PARKS & WILDLIFE COMMISSION

Mr. Chairman - Members of the committee:

I am Gary Bruch, past President of the Kansas Commercial Fish Growers Association. We are a group of fish farmers who promote and develop private fish culture in the State of Kansas.

We rise in support of this Bill because it will enhance the marketing opportunities for the commercial fish growers of Kansas.

It also is in the best interest of the sportsman who pay for the fish produced by the Parks & Wildlife with their licenses. This bill would greatly benefit the sportsman by placing fish in waters which they can fish.

Some numbers of fish produced at the hatchery are stocked into impoundments which require fees in addition to the Kansas fishing licenses for access. It seems terribly unfair to the average fisherman to pay an annual surcharge of \$3.00 to produce fish to which he can be denied access. The free provision of fish to any waters which are not accessable to all fishermen is an insidious form of competition with the private producer of fish in the state. Even when fingerlings are supplie to farm pond owners, there is no requirement that they allow public access to these fish. Most stockings of this type are in new impoundments. If someone can afford to spend several thousand dollars to build a pond, the extra \$200 to stock it with fish from a private producer should not be a problem. The State of Kansas does not produce and distribute any other agricultural product free of charge, so why should fish be an exception?

I'd like to read a letter from Otto Tiemier, retired Specialist in Fisheries, Kansas State University.

H Energy and NR
2-23-89
Attachment 2

We realize farm pond fishing is very popular and we have experienced that when people are permitted access to them they are often willing to buy fish for restocking.

This bill in no way will jeopardize the Parks and Wildlife demand for fish because there are more public waters than they can presently supply. But it would be of great help to the commercial fish growers.

There are 6,100 lakes in Kansas and of this number 43 are State lakes; 24 Federal Reservoirs. Fish Stocking Policy states: It is the responsibility of the Kansas Fish and Game to properly stock and manage these impoundments to the greatest benefit of the state's anglers. This leaves 5,800 lakes to private ownership, however a great many of these lakes are for stock water and the farmer's do not stock fish in these.

Marketing is the fish growers key to success. We have to develop our own markets. We have no elevators or sale barns in which to market our product. This makes it terribly difficult to sell fish, especially when free fish are given to potential customers. I personally have had several orders cancelled because they were able to get free fish from the Parks & Wildlife. The other growers share these experiences.

I worked with the residents of the Council Grove City Lake to develop a yearly stocking plan. They collected \$1,750 from the people who live at the lake for the fish. The next year they called up and cancelled their order for that spring, saying the Fish & Game gave them fish plus the cages to grow them in. I don't care how good a manager or marketer you are, you just can't compete with free fish. We aren't asking for subsidies or guaranteed loans, just the elimination of an incidious form of unfair competition.

I'm sure that it was not the intention of the legislature when it created the Kansas Fish & Game Commission, to create a state agency that would drive fledgling fish farmers out of business, especially when that agency could stock these fish into public waters where the people who are footing the bill for them could reap the harvest.

We realize that the free fish are a good tool to gain access to private land and build good rapport with the landowner, however this is gained at the expense or loss to the commercial fish grower.

Simply put, this is a bill to stop unfair competition by a state agency and make it possible for a private enterprise to flourish. Passing this bill would be the truest form of economic development possible.

With the reorganization of the Parks & Wildlife, there has been some encouraging changes. The new Secretary, Robert Meinen and the new Head of Fisheries, Joe Kramer, seem eager and willing to work with us. However, this a serious problem for the fish producers and we feel like present actions need to be taken to promote our needs.

This rancher in the picture below had a fifteen acre watershed built on his farm by the government, which cost approximately \$100,000. He applied for and received fish to stock his lake which is private. He didn't have a way to haul the fish, so he called me and asked to borrow my fish tanks. I can't blame him for taking free fish, but it's sure hard to compete with.



4 November 1986

Bus' I thought I would rather write than call, if he was
to wish he can call
Dr. W. A. Carriger Sr. OWT
927 Kansas Avenue
Topeka, Ks. 66612

Dear Dr. Carriger:

In a recent visit with Bus Hartley he mentioned conversing with you about the Kansas Fish and Game Commission.

I have known Bus for over 20 years and have developed a high respect of his abilities. He is the largest and most successful private fish grower in Kansas. He and I were involved in the early formation of the Commercial Fish Growers Association and I had many occasions to consult with him in my researches. He is also consulted by fish growers in other states.

Bus is of the opinion that the F. & G. Comm. should get out of the policy of stocking fish in private waters and I concur. There are now enough fish growers in Kansas to supply the demand for these private waters.

I can recall that the state was once producing trees for distribution. The legislature decided that this program was competing with private producers and closed the nursery. The fish growers pay taxes and increase the economy of the state and can not compete with the state.

It is my contention that the Commission should restrict their production of fishes to: (1) species required to stock their own waters if the species is not available for purchase; and (2) to make investigations and produce species not readily available that might be valuable and suitable for Kansas waters. I believe the license buyers would be more likely to get their money's worth. *end -*

The Commission had made some significant errors in recent years: (1) The Sasnak program failed and only succeeded in spending millions in a crash program that could not be maintained; and (2) the building of the raceway facilities near Milford reservoir. At the time this facility was being planned I told the planners that they were making mistakes because of the multitude of problems they would encounter. The people producing millions of pounds of channel catfish are growing them in earthen ponds and not in raceways. If the Commission needs more catfish, why not get bids from growers producing them.

Sincerely,

Otto W. Tiemeier, Ph D.
1519 University Drive
Manhattan, Kansas 66502

H Energy and NR
2-23-89
Attachment 2a

2/17/89

TO WHOM IT MAY CONCERN:

IN REGARDS TO KANSAS PARKS & WILDLIFE'S PROGRAM OF GIVING FISH AWAY TO PEOPLE WITH PRIVATE PONDS. THIS IS UNFAIR TO PEOPLE WHO PURCHASE FISHING LICENSE AND PAY HATCHERY FEES EVERY YEAR, AND THEN CANNOT FISH FOR WHAT THEY HAVE PAID FOR.

MY THOUGHTS ARE, THAT IF THE FISH ARE FURNISHED WITH MONEY FROM LICENSE AND HATCHERY FEES, THEY SHOULD BE AVAILABLE FOR LICENSE BUYERS TO FISH FOR.

THIS SHOULD INCLUDE CITY & COUNTY LAKES THAT THE STATE FURNISHES FISH FOR AND LOCAL GOVERNMENTS CHARGE A FEE TO FISH THERE. IF THERE IS A USERS FEE THEN IT SHOULD ALSO APPLY TO PICNICKING AND ALL OTHER PARK ACTIVITIES.

OUR BUSINESS HAS HAD IN THE PAST PEOPLE CALL AND EXPECT US TO MEET THE STATE TRUCK AND PICK UP THEIR FISH FOR THEM, THEN DELIVER THEM TO THEIR PONDS FOR FREE.

ONE CUSTOMER OFFERED TO PAY, THE OTHERS FELT THAT IF WE DIDN'T FURNISH THE FISH, WE SHOULD NOT CHARGE TO DELIVER THEM.

IT APPEARS TO ME THAT STATE RAISED FISH SHOULD BE STOCKED INTO STATE OWNED OR CONTROLLED WATERS SO THAT EVERYONE COULD FISH FOR THEM.

RESPECTFULLY

GEORGE MARTZ
MARTZ FISH SALES

*H Energy and NR
2-23-89
Attachment 3*

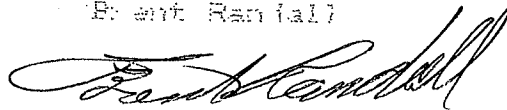
TO WHOM IT MAY CONCERN

RE: FISH STOCKING OF PRIVATE PONDS

I have been a fisherman for over 30 years and there are few people more dedicated to the sport and the preservation of the sport than me.

I do question the stocking of farm ponds on private property by the State with fish raised with, or by, use of money from my fishing license. I understand that a 10 year fee is added onto the license cost to pay for a hatchery that does not produce like we were told it would. Now you are giving those fish to private landowners to put them where I, and others, cannot harvest them? I do not understand the logic. In the old days landowners were required to provide access to public stocked ponds, apparently that is not now the case. If this policy is to continue, I would like to be refunded at least the cost for the hatchery.

Respectfully,
Brent Randall



H Energy and NR
2-23-89
Attachment 3a

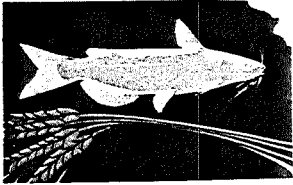
In recent discussions I have learned that the Kansas Parks and Wildlife have a program to stock private farm ponds.

I feel that this is unfair to the fishermen of Kansas who are paying for these fish with their licenses and hatchery fees.

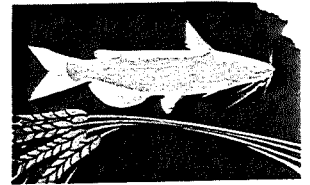
I would like to suggest that all fish stocked by the Kansas Parks and Wildlife be put in public waters so that these fish are available to the people who paid for them.

Frank Emery

H. Emery and NR
2-23-89
Attachment 3b



Kansas Commercial Fish Growers Association



As Secretary-Treasurer of the KCFGA, I would like to thank you for listening to our side of Bill # 2213. Speaking for the organization I can assure you that we are united in our support of this bill.

The Kansas Department of Wildlife and Parks has a number of good programs in existence today. The present policy of giving away state produced fish to the private sector, however, can hardly be considered one of them.

These fish are paid for by the people who buy fishing licenses. This is an unfair practice not only to these persons, but also to the private fish growers within the state. The end result is a unique form of competition between the state and the private producer.

It is difficult if not impossible for private enterprise to grow when government is their biggest competitor. Aquaculture is a form of agriculture. In what other area of agriculture does this condition exist?

If you were to ask the fish growers within the state of Kansas to name their biggest problem one answer would dominate all others. The overwhelming answer would be marketing. This is especially true for the smaller producer.

If I were raising hogs, cattle, sheep or some of the other more conventional types of livestock, my marketing worries would be less. I might not always get the price I wanted for my product, but at least I would have access to a market place.

Anyone who has raised fish in Kansas for any length of time at all has lost sales to the state. It is frustrating to develop a market only to have that market taken away. Who could fault the persons who are the recipients of these free fish? If you had a choice between free fish and fish with a price tag, which would you choose?

This issue is not a new one. Both sides of this issue are familiar with it. It is important that we both incorporate some definition as to what constitutes public water and what constitutes private water.

Enclosed is a list of the 52 members of the KCFGA. As you can see we are dispersed throughout the entire state. The private fish growers can handle the private waters within the state. Can the Dept. of Wildlife and Parks handle the state owned water? Let's let them do their job and so that we can do ours.

Charles W. Wallace
Sec-Treas KCFGA
Feb. 23, 1989

*H Energy and NR
2-23-89
Attachment 4*

Letter to the editor
**Fish stocking practice by
state agency questioned**

Dear Editor:

I am writing this letter to call your attention and the attention of all fishermen (and sportspersons) in the State of Kansas to a very unfair situation. The situation is that the Kansas Wildlife and Parks Dept. (Kansas Fish and Game) uses part of the money from fishing licenses to stock FREE OF CHARGE private ponds.

In my opinion this is a practice that is unacceptable as it is cheating approximately 1 million holders of fishing licenses in the State of Kansas. I'm asking all fishermen plus all people that are interested in fair play to call or write (right now)...their state Representatives and Senators and ask them to pass a law that the Kansas Wildlife and Parks Dept. can only stock state owned waters that are accessible to any one that owns a

current fishing license or anyone that is eligible because of age under our state laws to fish state owned or controlled water.

The present practice is not only unfair to fishermen that are picking up the tab but the ones I have talked with feel that the fish and game commission is not capable of stocking their own water, much less any one else's. The present practice is also unfair to private firms that are in the business of stocking private ponds. Our Government should not be in competition with tax paying businesses. Let's ALL demand this law be passed. It can be done.

Sincerely,

Dick King
P.O. Box 226
Kingman, KS 67068
Phone 316-532-5214

could start producing
thereby forestalling that threat. ...
the peace of the Middle East, indeed of

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Robert L. McQuin

Editor and Publisher

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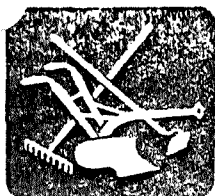


Attachment 49
H Energy and NR
2-29-89

Kansas Commercial Fish Growers

Kaw Valley Fish Farm Rt. 3, Box 171 Lawrence KS 66044	George Adrian Gena Lakes Fish Farm Rt. 5, Box 415 Augusta KS 67010	Gary Bruch Bruch Fish Farm RR 1 Strong City KS 66869	Sidney Corbin Rt. 1 Towanda KS 67144	Carson Cox Queen of the River Fish Co. RR 1, Box 83 Overbook KS 66524
Brent Culver Culver Fish Farm 1211 Ranch Rd. McPherson KS 67460	Clayton Davis Cathouse Outdoor Recreation Red Light District Shields KS 67874	Helen Dexter 201 W. B Street Ellinwood KS 67526	Chalmer & Marilyn Ditmars RR 2 Washington KS 66968	W. Frank Ellison Ellison Fish Farm Box 205 Coyville KS 66727
Charles W. Fanshier P.O. Box 239 Stafford KS 67582	Galen Flickner RR 1, Box 37-A Moundridge KS 67107	Mitch Fram Cole Grain Co. P.O. Box 1289 Muskogee OK 74402	Glen Gebhart Langston Univ. Res. Box 730 Langston OK 63050	Mark and Colleen Hajek Hajek Fish Farm Rt. 1, Box 216 Marion KS 66861
Bob Hanek Lake Sunset Lodge Rt. 1, Box 16 Sylvia KS 67581	Paul Hansen RR, Box 44 Greenleaf KS 66943	Mark Harbin Harbin Fish and Bait Farm 402 S. Jefferson Anthony KS 67003	Bus Hartley Hartley Fish Farm Rt. 1 Kingman KS 67068	Robert Hartung RR 3, Box 44 Junction City KS 66441
Robert Holeman Old Fishing Hole Jetmore Rt. Dodge City KS 67801	John Imel South Hutchinson Bait 901 S. Main South Hutchinson KS 67505	Theop. Inslee Inslee Fish Farm 601 West 17 Ada OK 74820	Jim Kahrs Osage Catfisheries, Inc. Rt. 1, Box 1500 Osage Beach MO 65065	Harold Klaassen 3009 Conrow Dr. Manhattan KS 66502
Don Kliesson The Old Fishing Hole Rt. 2 Dodge City KS 67801	Melea Krankenberg Krank's Fish Farm RR 3, Box 97 Hudson KS 67545	Harold Kraus K U Farm Rt. 2, Box 108 Hays KS 67601	Rogers Landgraf Imperial Route Garden City KS 67846	Brad Lutz 8848 S.W. 21st St. Topeka KS 66615
George Martz 7612 Sante Fe Overland Park KS 66201	Bud and Janet Maxwell M M & P Fish Farm Rural Route 3, Box 139 Fredonia KS 66736	Rick Mayfield Mayfield Fish Farm 8 Lake Drive Hutchinson KS 67501	Donel Otto Donel Otto Fish Farm Rt. 3 Baldwin KS 66006	Dan & Becky Pohl J & K Fish Farm Route 1, Box 95-A Moundridge KS 67107
Jeff Racy H.C. 67 Box 19 I Stoutland MO 65567	Jim Razook 5-R Ranch Rt. 1 Rose Hill KS 67133	Don Satzler Satzler Fish Farm Rt. 2, Box Burlingame KS 66413	Loren Schrag Rt. 1, Box 149 Moundridge KS 67107	Ron & Jerry Simon Simon's Fish Farm Route 4 Girard KS 66743
Verl Stevens RR 2 Pratt KS 67124	Richard Stucky Partridge Milling Co. Hwy K61 and Main Partridge KS 67566	John & Edna Stucky J & K Fish Farm Rt. 1, Box 95-A Moundridge KS 67107	Warren Swartz RR 3 Great Bend KS 67530	James R. Triplett 1702 S. Olive Pittsburg KS 66762
Matt Uhlik Greenleaf KS 66943	Charles W. Wallace Wallace Fish Farm Rt. 1, Box 22 Allen KS 66833	Del Weidner 4 Corners Fish Farm 1607 Brooklyn Topeka KS 66611	Gary N. Werth Route 2, Box 158 Hays KS 67601	Alfred J. Wilson Cypress Garden Fish Farm 121 N. Fountain Wichita KS 67208
Don & Ruby Woodhouse The Waterhole 5989 S. Burma Rd. Smolan KS 67479	Jerry Wyse K & W Fish Farm RR 2 Haven KS 67543			

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2-23-89
Attachment 4b



KANSAS FARMERS

UNION NEWS

Box 1064 (1st and Buckeye)
McPherson, Kansas 67460
(316) 241-6630

FOR IMMEDIATE RELEASE:
TUESDAY, FEBRUARY 24, 1987

FOR FURTHER INFORMATION CONTACT:
IVAN W. WYATT 316-241-6630
GARY BRUCH 316-273-6612

GIVEAWAY PROGRAM HURTS FISHERMEN, FISH GROWERS

TOPEKA, February 24, 1987 -- The Kansas Farmers Union and the Kansas Commercial Fish Growers Association today jointly testified in favor of SB-276. At a hearing before the Senate Energy and Natural Resources Committee, Ivan Wyatt, President of the Kansas Farmers Union urged committee passage of SB-276.

"Senate Bill 276 would prohibit the State Fish and Game Commission from giving away state produced fish to the private sector at no cost," Wyatt stated.

Wyatt claimed that the giving away of state produced fish funded by the \$3.00 surtax on Kansas fishing licenses was preventing independent fish growers from developing a viable sustainable market for their fish.

Wyatt stated, "The developing demand for fish can and should be part of the State Board of Agriculture's effort to help farmers diversify their farming operations, just as the raising and feeding of livestock and poultry. The expansion of fish growing can be an important part of the state's efforts of economic development and value added farm production."

Also supporting SB-276 was Gary Bruch, a Strong City fishgrower and legislative agent for the Kansas Commercial Fish Growers Association and Sid Corbin of Towanda, board member of the KCFGA.

Mr. Bruch said, "SB-276 would serve the best interests of the sportsman who pay for the fish produced by the Fish and Game Department with their license fee and surcharge."

Bruch added, "The Fish and Game Departments's give-away of fish to the private sector, an insidious form of competition with the private producer of fish, makes it impossible for a private enterprise to flourish."

Sid Corbin told the committee how he had developed markets in the private sector for his game fish only to have the State Fish and Game Department move in and take over his market for fish by giving away fish produced by the state using funds from the sales of fishing licenses.

When the committee asked for production and delivery records of the Fish and Game Commission, they were told by the commission they were not readily available. Members of the committee stated that they needed this information to verify reports of the lack of state fish for public accessible waters for stocking purposes.

This testimony pertains to the stocking of private water Bill No. 2213 of the Wildlife and Parks Department which was formerly the Fish and Game Commission.

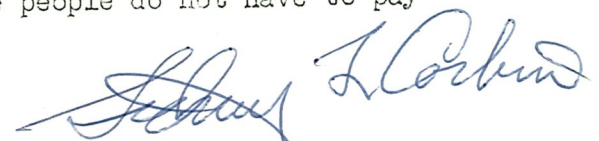
I would like to testify on my encounter with this program. I have been in business for 26 years and have sold fish to many locations including cities, state agencies, and private enterprises which are on bids and direct purchases. On some occasions I have lost bids for fish because other bids were cheaper than mine, which is acceptable in business today. I have run onto some operations which I consider unfair for which I will testify.

A fenced sand pit owned by the city of Wichita near Broadway and south of the river is a private enterprise operated by the city of Wichita. They charge \$2.00 entry fee and no charge for the fish that are caught. Senior citizens do not need a license to fish. This lake, known as Watson Park receives both trout and catfish free of charge for stocking their lake from the Wildlife and Parks Dept.

The city of Augusta operates the Santa Fe Lake and the Augusta City Lake. They charge a yearly fee and people have to abide by state rules. People need a state fishing license. I also sell them fish. They do not receive any free fish for stocking purposes.

On my farm I charge \$1.00 entry. No one is required to have a fishing license and I charge \$1.55 per pound for the fish caught. I do not receive any free fish.

These three systems are all operated basically the same, yet my customers at Watson Park receive free fish from the state. In my opinion, this practice should be discontinued and not allowed. This is the reason we are interested in the passage of bill No. 2213. If the state wants to give free fish, why can't they be put in the rivers or bodies of water where people do not have to pay to fish?


Sidney Corbin

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Letter to the editor

Fish stocking practice by state agency questioned

Dear Editor:

I am writing this letter to call your attention and the attention of all fishermen (and sportspersons) in the State of Kansas to a very unfair situation. The situation is that the Kansas Wildlife and Parks Dept. (Kansas Fish and Game) uses part of the money from fishing licenses to stock FREE OF CHARGE private ponds.

In my opinion this is a practice that is unacceptable as it is cheating approximately 1 million holders of fishing licenses in the State of Kansas. I'm asking all fishermen plus all people that are interested in fair play to call or write (right now)...their state Representatives and Senators and ask them to pass a law that the Kansas Wildlife and Parks Dept. can only stock state owned waters that are accessible to any one that owns a

current fishing license or anyone that is eligible because of age under our state laws to fish state owned or controlled water.

The present practice is not only unfair to fishermen that are picking up the tab but the ones I have talked with feel that the fish and game commission is not capable of stocking their own water, much less any one else's. The present practice is also unfair to private firms that are in the business of stocking private ponds. Our Government should not be in competition with tax paying businesses. Let's ALL demand this law be passed. It can be done.

Sincerely,

Dick King
P.O. Box 226
Kingman, KS 67068
Phone 316-532-5214

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The California Hatchery Evaluation Study

The California legislation, SB152, Chapter 135 mandated, among other things, that "The Department of Fish & Game shall contract with an independent third party to evaluate the cost effectiveness of the state-operated fish hatchery system compared to contracting out for fishery services....no more than \$100,000 may be used for the hatchery evaluation study. The department shall submit results of the hatchery evaluation study to the legislature by April 1, 1988." The Mayo Associates, a study team put together for this study, composed of Ronald D. Mayo, Carol M. Brown, Dr. John Colt and John Glude was awarded the contract on December 21, 1987.

The choice was excellent, the team was very knowledgeable about state & federal fish hatchery operations as well as private aquaculture. DFG should be commended for its selection.

CAA strongly supported the study and cooperated with the study team. The study was completed on time and a 226 page report was submitted on schedule to DFG on March 30, 1988.

Findings

Fishing activity in California in 1985 was estimated to total 58 million person days. 71% of these days were in lakes or streams. Fishing related expenditures were estimated to average \$32 per person/day in 1982. Today, fishing is a two billion dollar industry. Though not all fishing is based on hatchery produced fish, clearly hatchery fish, DFG and privately grown, make a major contribution.

Except for the state of Washington, state hatcheries in California produce more fish than any other state, and about the same as the entire federal hatchery system. DFG's 22 hatcheries produced approximately 6.4 million pounds of fish in fiscal year 1985-6. Fifteen expansion and new construction projects are being planned or implemented at this time.

Future Expansions and New Projects

	Date	Item	Status	Costs
Delta Pumping Station	1988	Hatchery	In Const	\$220,000
Trinity River	1988	Rebuild	In Const	\$3,300,000
Knights Ferry	1989-90?	New Facility	Study (50% DRW)	\$5,000,000
Warm Springs	?	Coyote expan	Planned	\$3,200,000
Trinity River	1988-90	Add. Concrete Raceways	Budgeted	\$2,200,000
Black Rock	1987-91		Budgeted	\$1,335,000
Hot Creek	1987-91		Budgeted	\$916,000
Mokelumne River	1987-91		Budgeted	\$905,000
Mad River	1987-91		Budgeted	\$673,000
Imperial Valley	1987-91		Budgeted	\$620,000
Darrah Springs	1987-91		Budgeted	\$364,000
Iron Gate	1987-91	Settling Ponds Water Dist.	Budgeted	\$314,000
Nimbus	1989-90	Concrete Raceway	Planned	\$200,000
San Joaquin	1987-91		Budgeted	\$198,000
Merced River	1987-91		Budgeted	\$46,000
Total				\$19,491,000

(Continued above)

"The California Hatchery Evaluation Study" continued

The study team visited 23 of DFG's 27 hatchery egg-taking stations and planting bases, 4 private fish farms in California and 3 hatcheries in Idaho. In general, the study concluded DFG fish hatcheries are operating up to, and in many cases, beyond their maximum design capability.

DFG's management was faulted for the lack of good record keeping, the timeliness of its hatchery cost reports, and the general lack of evaluation programs to assess the success of its planting programs. DFG fish hatchery annual cost reports are not being completed in a timely manner. For instance, fiscal year 1985-6 information was still in draft form, 2 years late. Furthermore, hatchery managers do not receive useful expenditure information relative to budgeted amounts from any source. Hatcheries tended to keep detailed planting records, but few records were available on basic fish propagation such as growth rates, feed conversions, or actual feeding levels or losses due to bird predation. Bird predation is a serious problem for both DFG and private growers. Some DFG hatcheries lacking bird enclosures reported estimated losses as high as 50% from birds.

DFG hatchery managers expressed a desire for training in personnel matters such as employee evaluation and counseling, how to handle grievances, affirmative action recruitment, and avoiding sexual harassment or discrimination actions. Additional staff training was desired in handling of hazardous chemicals, truck driving, repair of equipment and use of computers.

Comparison-DFG/Private /Other State's Hatcheries

In general, DFG has managed to obtain larger water supplies for their hatcheries than private producers. Only 6 of the DFG hatcheries use pumped water supplies. Likewise, the private sector primarily uses gravity water supplies, except for incubation and fry. The study team concluded that private fish production facilities and transportation equipment were newer and more technologically advanced than DFG. Private growers tended to be more flexible and their focus more sharply drawn.

COST OF FISH (1988, planted in lots of 1000 pounds)

	DFG (estimated)*	PRIVATE (bid)
Catchable Trout	\$1.99/lb	\$1.68/lb
Salmon & Steelhead	\$3.42/lb	\$3.05/lb
Yearling Catfish	\$1.81/lb	\$1.76/lb
Yearling Striped Bass	\$1.34 each	\$1.25 each
Fingerling Striped Bass	\$0.45 each	\$0.42 each

* Editor's Note: These DFG cost estimates do not include facility construction cost (estimated to be \$0.20/pound), interest, land use, intergovernmental support, tax revenues lost or insurance. When all costs are considered, DFG's cost of production and planting cost exceeds that of private industry by about 25% to 51%.

Although it was difficult to compare DFG's fish production cost with that of other states, the study group found no reason to believe DFG's cost was significantly different than in other states.

The study notes that public hatcheries perform significant-

(See "The California Hatchery Evaluation Study" on page 3)

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ly different functions and are more in the public eye than private hatcheries. As a result, the system incurs cost which would be unnecessary if its role was strictly limited to providing fish for the state waters. It was suggested that any comparison of public versus private fish production systems should not be made strictly on a financial basis.

The Cooperative Stocking Program was discussed in detail. The study group noted that there was little difference in the quality of the fish delivered by state or private growers, however, cooperators did express a desire for larger fish from DFG. The study noted the cooperative stocking lakes are in competition with private "fee fishing lakes" and probably detracts from the private lake business.

Study Recommendations

Some of the more significant recommendations were:

1. A more centralized organizational structure was recommended within the Inland Fisheries Division to handle procurement of privately reared fish, DFG hatchery production and fish stocking program.
2. DFG should expand its purchases of privately reared fish as a way of reducing planting cost, meeting the increasing demand of fish stocking programs for hatchery reared fish and as a way of encouraging the growth of the private aquaculture industry.
3. An effective feed testing program should be instituted to evaluate feed conversion rates and the cost effectiveness of various rations to guide feed purchasing decisions.
4. Hatchery managers should receive the training in personnel handling they desire.
5. Criteria should be devised to evaluate the quality of fish reared in DFG facilities or purchased from private producers.
6. The results of fish stocking programs should be evaluated.

(Continued at right)

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CAA Policies & Objectives

Given the time and funding constraints, the study was as good as could have been expected. Significantly, many conclusions reached by the study group are consistent with CAA's policy #24 & #25 objectives.

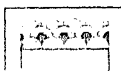
Policy number 24 relating to government owned fish and shellfish hatcheries states:

"This association urges the establishment of federal and state policies that:

- a. Mandate the purchase of private sector hatchery-reared fish and shellfish whenever they are less costly than those produced in public hatcheries;
- b. Establish cost evaluations for government produced fish and shellfish that reflect full overhead cost (including depreciation and payments in lieu of taxes), consistent with the same generally accepted accounting standards applied to private sector hatcheries; and
- c. Curtail the use of federal funds for expansion of federal and state owned hatcheries.

This association opposes the expansion and/or new construction of state and federal fish and shellfish hatcheries other than for justifiable mitigation purposes. "State and federal governments should acquire mitigation fish and shellfish from private sources if they are available." (Adopted December 16, 1981.)

Policy #25 states "We favor a substantially increased role for the private sector in developing recreational put-and-take fisheries. We believe that the private sector is better suited to supply the needs of public sector stocking programs and can do it more efficiently and at lower cost to the California taxpayer and fishermen." (Adopted November 11, 1981.)



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Fish Farmers Have Stake In Upcoming Battle Over Government Hatcheries

A legislative battle may be brewing over Uncle Sam's politically-sensitive, century-old fish hatchery business. The aquaculture industry has a major stake in the coming debate.

Part of the problem is that no one seems to know how many hatcheries the federal government is now operating and financing. And no one may know how much money the government is spending on hatchery activities.

It is apparent, however, that Uncle Sam is playing stork to millions—maybe billions—of fish per year. And, with several agencies and numerous states involved in the operations, apparently no one is really running the government's hatchery business.

The federal government's hatchery role is likely to get more attention in the next couple of years because:

* The Graham-Rudman deficit reduction Act is forcing the administration and Congress to reconsider government spending in such offbeat functions as fish production;

* The American aquaculture industry can now provide many of the eggs, fry and fingerlings that government hatcheries are producing—not only decreasing the need for government fish, but also creating a potentially competitive situation between government and private enterprise.

* Government hatchery operations have grown beyond their original concept and are now spread over several agencies. Much of the hatchery money is being funneled into state-owned hatcheries.

Federal and state hatcheries have served as major research resources for America's budding aquaculture industry. They also provide job and training opportunities for many fish specialists. But some fish farmers today also see the

government installations as competitors in the production of eggs, fry and fingerlings for public and private waters.

The lack of central policy and control over federal hatchery activities prompted U.S. Reps. John Breaux, D-Louisiana, and Don Young, R-Alaska, to introduce a bill that would establish a National Fish Hatchery System within the Department of the Interior. It would give DOI's Fish and Wildlife Service authority over all federal hatchery operations and spending.

The bill (H.R. 3167) was written in 1985. With Breaux spending much of his time campaigning for the Senate this year, the bill has languished in the House Merchant Marine and Fisheries Committee all year and is dead for the current Congress.

However, similar legislation is likely to be revived next year, especially if Breaux wins his Senate race in November.

Some aquaculturists first expressed opposition to the bill because they believed it would allow federal hatcheries to sell surplus fish on private markets.

However, the bill was written to achieve the opposite effect, according to Legislative Assistant Paul Carothers of the Subcommittee on Wildlife and Fisheries Conservation. Carothers said the bill would restrict hatchery sales to last resort situations in which "fish are not available from private domestic sources."

He said the bill would also authorize the Fish and Wildlife Service to "acquire fish and fish eggs from other sources" if the Secretary of Interior "decides that it is not feasible or cost-effective to produce fish or fish eggs in Service installations and other Federal installations."

That would seem to open some more marketing doors for private and state hatcheries—provided the industry can win some of the arguments over the determination of true costs.

If the bill is revived next year, the fish farming industry is likely to seek a stronger role in writing the legislation. It will probably want to strengthen the language against government fish sales, to clarify the production cost factors and possibly to decrease the role of government hatcheries in light of the industry's growing ability to provide eggs, fry and fingerlings.

Fish farmers said they were not consulted in the writing of the Breaux/Young bill. That bill recites the achievements and benefits of federal fish hatchery programs. It also opposes attempts to shut down some hatcheries through "the budgetary process rather than through public debate of national fish production needs and policies."

But the bill also cites the need to

bring some order to those activities.

"The Federal Government, acting through a number of Federal agencies, has maintained a leadership role in fish production for more than a century and has accumulated a substantial investment in fish production facilities," the bill says. It adds:

"In view of the extensive Federal commitment to fish production, comprehensive national oversight and coordination of Federal fish production activities is necessary to ensure efficient, cost-effective operation of those installations and to make full and effective use of current and any future capacity in fulfilling recognized fishery objectives;

"The status of fish hatchery activities of the United States Fish and Wildlife Service and the National Marine Fisheries Service have been in a state of flux for the past several years due, in part, to the lack of consistent, statutorily-based policy guiding the construction, operation, maintenance and, where appropriate, closure of these installations and their support elements."

The government doesn't just produce fish to preserve endangered species anymore. It produces or finances fish production to:

- * Stock public waters for recreational purposes;
- * Stock farm ponds as part of its soil conservation program;
- * Assist Indian tribes in economic development;
- * Fulfill international treaty obligations;

Hatchery Agencies

The following federal agencies are involved in either the operating of federal fish hatcheries or the financing of fish production operations in federal or state hatcheries:

- The Fish and Wildlife Service
- The National Marine Fisheries Service
- The Bureau of Indian Affairs
- The Bureau of Reclamation
- The Army Corps of Engineers
- The Tennessee Valley Authority
- The Bonneville Power Administration

The Fish and Wildlife Service is believed to have about 90 hatchery operations and the National Maritime Service has about 20.

The Bureau of Indian Affairs is believed to be involved in about 50 small hatchery operations growing out of mitigation programs or the Indian Self-Determination and Education Assistance Act.

The Corps of Engineers fulfills most of its fish mitigation obligations by funneling funds into hatcheries run by other federal agencies or state agencies.

Government hatcheries produce a variety of species, including salmon, trout, tilapia, striped bass and redfish.

* Fulfill domestic mitigation commitments growing out of federal navigation, flooding and power projects.

The mitigation program has increased government hatchery activities considerably, especially in cases involving Corps of Engineer water projects.

The bill would require the beneficiaries of such federal projects to pay at least part of the cost of the new hatchery operations.

The Purposes Of HR 3167

Since similar legislation is likely to be proposed in 1987, water farming industry leaders may be interested in the stated purposes of the Breaux/Young bill:

1. "To establish a consistent, coherent and coordinated national policy for fish production for federal purposes;

2. "To establish a statutory framework for the coordinated, efficient and effective operation of installations within the System and to ensure that System operation is carried out in cooperation with all involved entities, including the States, Indian tribes and Federal agencies;

3. "To require that beneficiaries of Federal projects pay for the Federal costs of fish produced as

mitigation for impact of such Federal projects;

4. "To facilitate the use of artificially propagated fish in stocking programs consistent with sound fishery resource conservation and management principles based on the best scientific information available, including continued research into and development of culture, nutrition, fish health, fishery assessment and other fishery management techniques related to fish production."

The bill would also:

* Require the Secretary of the Interior to periodically compile and make public a list of all federal hatcheries.

* Restrict the establishment of hatcheries for mitigation purposes.

Mitigation Defined

Mitigation, a frequently heard word in discussions of government hatchery programs, is defined in the proposed National Fish Hatchery System Act as "full compensation for the impact of a federal project on fishery resources by the replacement, or provision of substitutes for, those resources."

The bill says that mitigation may also include "compensation for nonfishery resource-related impacts by provisions of fishery resources."

Hatchery programs have been established in many cases to help restore fish resources lost through conservation, flood control, navigation and electric power projects.

H Energy and NR
2-23-89
Attachment 5c
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Mil^l d Production

Fish Stocked by Kansas Fish and Game

(Includes hatcheries production, plus trades with other states)

Year	Catfish	Largemouth	Walleye	Walleye
	Shorts	Shorts	Fingerlings	Fry
	(6-8 inches)	(6-8 inches)	(2-3 inches)	(Hatchlings)
1981	168,671	24,085	271,489	22.9 million
1982	191,486	8,860	460,305	41.9 million
1983	170,699	1,122	398,043	41.6 million
1984	295,958	2,080	424,150	38.5 million
1985	98,093*	6,754	152,993	18.4 million
1986	120,819	27,584	zero	12.5 million

*1985 catfish shorts figure includes 31,430 purchased from commercial grower.

Milford Production

Fish Stocked by Kansas Fish and Game (includes hatcheries production, plus trades with other states):

Year	Catfish (6-8 inches)	Shorts (6-8 inches)	Large Mouth Walleye Fingerlings (2-3 inches)	Walleye Fry (Hatchlings)
1981	168,671	24,085	271,489	22.9 million
1982	191,486	8,860	460,305	41.9 million
1983	170,689	1,122	398,043	41.6 million
1984	295,958	2,080	424,150	38.5 million
1985	88,093	6,754	152,993	18.4 million
1986	120,819	27,584	zero	12.5 million

*1985 catfish shorts figure includes 31,430 purchased from commercial grower.

The Milford Production record was taken from the Wichita Eagle and is assumed correct. The values given to each group of fish was estimated to be able to purchase these fish in state or out. No delivery cost was figured because the fish were in place as I calculated the price.

Year	Item	Quantity	Price	Total Value	Investment
1981	Catfish Shorts 6" - 8"	108,671	x 25¢	\$ 42,168	\$2 Million Invested in facilities (My Evaluation)
	Large Mouth Shorts 6" - 8"	24,085	x \$1.00	24,085	
	Walleye 2" x 3"	271,489	x \$1.00	271,489	
	Walleye Fry	22.9 million	x .01	229,000	
				<u>\$566,742</u>	
1982	Catfish Shorts 6" - 8"	191,486	x 25¢	47,871	\$2 Million Invested in facilities
	Large Mouth Shorts 6" - 8"	8,860	x \$1.00	8,860	
	Walleye Fingerlings 2" - 3"	460,305	x \$1.00	460,305	
	Walleye Fry	41.9 million	x .01	<u>419,000</u>	
				<u>\$936,036</u>	
1983	Catfish shorts 6" - 8"	170,699	x 25¢	\$42,675	\$2 Million invested in facilities
	Large mouth Bass (Shorts) 6" - 8"	1,122	x \$1.00	1,122	
	Walleye Fingerlings 2" - 3"	390,043	x \$1.00	398,043	
	Walleye Fry	41.6 million	x .01	<u>410,600</u>	
				<u>\$ 852,440</u>	
1984	Catfish shorts 6" - 8"	295,958	x 25¢	\$ 73,989	\$2 Million Invested in facilities
	Large Mouth Bass (Shorts) 6" - 8"	2,080	x \$1.00	2,080	
	Walleye Fingerlings 2" - 3"	424,150	x \$1.00	424,150	
	Walleye Fry	38.5 million	x .01	<u>385,000</u>	
				<u>\$885,219</u>	
1985	Catfish shorts 6" - 8"	66,663	x 25¢	\$ 16,665	\$2 million old investment \$4.5 million new investment actually spent
	Large Mouth Bass (Shorts) 6" - 8"	6,754	x \$1.00	6,754	
	Walleye Fingerlings 2" - 3"	152,993	x \$1.00	152,993	
	Walleye Fry	18.4 Million	x .01	<u>184,000</u>	
				<u>\$360,412</u>	
1986	Catfish Shorts 6" - 8"	120,819	x 25¢	\$ 30,205	\$2 million old investment \$4.5 million new investment
	Large Mouth (Shorts) 6" - 8"	27,584	x \$1.00	27,584	
	Walleye Fingerlings 2" - 3"	0	x \$1.00	0	
	Walleye Fry	12.5 Million		<u>125,000</u>	
				<u>\$ 182,789</u>	

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(reduced copy) Attachment 5d

The Milford Production record was taken from the Wichita Register and is assumed correct. The values given to each group of fish was estimated to be able to purchase these fish in state or out. No delivery cost was figured because the fish were in place as I calculated the price.

1981	Catfish Shorts 6" - 8" 108,671 x 25¢	\$ 42,168	\$2 Million Invested in facilities (My Evaluation)
	Large Mouth Shorts 6" - 8" 24,085 x \$1.00	24,085	
	Walleye 2" x 3" 271,489 x \$1.00	271,489	
	Walleye Fry 22.9 million x .01	229,000	
		<u>\$566,742</u>	
1982	Catfish Shorts 6" - 8" 191,436 x 25¢	47,871	\$2 Million Invested in facilities
	Large Mouth Shorts 6" - 8" 8,860 x \$1.00	8,860	
	Walleye Fingerlings 2" - 3" 460,305 x \$1.00	460,305	
	Walleye Fry 41.9 million x .01	419,000	
		<u>\$936,036</u>	
1983	Catfish shorts 6" - 8" 170,699 x 25¢	\$42,675	\$2 Million invested in facilities
	Large mouth Bass (Shorts) 6" - 8" 1,122 x \$1.00	1,122	
	Walleye Fingerlings 2" - 3" 390,043 x \$1.00	398,043	
	Walleye Fry 41.6 million x .01	410,600	
		<u>\$ 852,440</u>	
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	Walleye Fingerlings 2" - 3" 424,150 x \$1.00	424,150	
	Walleye Fry 38.5 million x .01	385,000	
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1985	Catfish shorts 6" - 8" 66,663 x 25¢	\$ 16,665	\$2 million old investment \$4.5 million new investment actually spent
	Large Mouth Bass (Shorts) 6" - 8" 6,754 x \$1.00	6,754	
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	Large Mouth (Shorts) 6" - 8" 27,584 x \$1.00	27,584	
	Walleye Fingerlings 2" - 3" 0 x \$1.00	0	
	Walleye Fry 12.5 Million	125,000	
		<u>\$ 182,789</u>	

(original - 5d)

ELIMINATE FISH GIVEAWAY

Currently the Kansas Wildlife and Parks Dept. stocks privately owned ponds and watersheds using part of the money from Kansas fishing licenses. The persons holding these licenses are then (in most cases) not allowed to fish these waters.

I can speak from personal experience on this issue. I have, on more than one occasion, known of privately owned ponds that were stocked FREE by the Fish and Game Dept. (currently the Kansas Wildlife and Parks Dept.) and upon asking, I was refused permission to fish in these ponds. I can understand the position of the land owners that have these ponds by not wanting the general public invading their property, but what I disagree with is the stocking of these ponds with fish purchased from the sale of Kansas fishing licenses.

The practice of giving fish to the private sector, by the Kansas Wildlife and Parks Dept. is hurting the business of the Kansas fish grower whose income depends on selling fish to the private pond owner. I feel that the Kansas Wildlife & Parks Dept. should only stock state reservoirs and lakes which give the public the opportunity to utilize the resources they have helped pay for.

Back in the 30's there was a need for the Kansas Fish & Game to stock private ponds. Kansas was a dry prairie state with no state lakes & reservoirs for the public to fish in. There were only rivers and streams for fishing and most people had to leave

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Attachment 6

the state to fish. Fall River was the first reservoir to be built in the 30's to provide good fishing in Kansas for the public. Since that time, there have been many state lakes built and the need for the state to stock private ponds no longer exists.

The state of Kansas is always trying to promote economic growth here. The Kansas Wildlife and Parks is in direct competition with the Kansas fish growers and they are squelching our economic growth.

I am not only speaking on behalf of the Kansas Commercial Fish Growers Association but for the thousands of Kansans who purchase fishing licenses.

Thank You

Mark L. Hajek President
 Kansas Commercial Fish Growers Association

H.B. 2213

Presented to the House Energy and Natural Resources
Committee on February 23, 1989

by the Kansas Department of Wildlife and Parks

H.B. 2213 would prevent the Department from exchanging, giving or stocking any fish in private waters or private waters that charge an admission fee and require a fishing license (unless exempt by law). A definition of private waters is not provided. Should H.B. 2213 be enacted, it may have significant adverse impact on our Department's ability to provide recreational opportunity and manage fisheries resources. Those are two of our Department's primary responsibilities to the people of Kansas.

The farm pond program, stream recovery program and fish trades with other states are programs which would be affected by H.B. 2213. In addition, the restrictions may affect the community lake assistance program, urban fishing program, purchase of fish from commercial sources and the proposed recreational access program.

Farm pond stocking has been a Department program since at least 1914. Surveys indicate that 25 percent of our anglers prefer fishing farm ponds and that approximately 25 percent of the total mandays of fishing occur on ponds. Pond owner surveys also indicate that most owners would not purchase fish if they were not available through the Department. Farm pond stocking has been a popular program of this Department for many years.

Although figures vary, it is estimated there are in excess of 50,000 ponds in Kansas. During 1988, only 50 ponds were stocked under the more restrictive fish stocking policy of the Department.

Funds are periodically received by the Department from fines levied against entities responsible for stream fish kills. Those funds are used by the Department for restocking purposes. Should streams be considered as private waters, the Department would be unable to restock.

Technically, fish trades with other states could be restricted. This may occur if fish for that state were to be used in any of their private waters.

By definition, a lake is a body of water over 20 acres, but less than 500 acres in size. There are 6,100 such bodies of water in Kansas including 39 state fishing lakes and 170 lakes currently enrolled in the Community Lake Assistance Program. Thus, the Department is involved in fish stocking on 3.5 percent of the total lakes in Kansas.

Community lakes are those owned and operated by local units of government such as counties and cities. Through this program, the Department is able to help improve and provide fishing and fishing opportunity. Seventy of the lakes do charge an admission fee which is used to offset operational costs and some of the lakes do purchase fish for stocking. Admission fees have been maintained at a reasonable level through this program.

Those communities currently purchasing fish would probably continue to do so if unavailable through our Department -- some may increase purchases. Others may start buying fish. It is our concern that most would not purchase fish thus fishing quality would decline.

The urban fishing program is designed to provide and promote fishing in urban settings. For many, this program provides the only opportunity to experience fishing. Depending on definition, it could restrict our involvement with the 12 or so water bodies managed for urban fishing.

Purchase of fish by the Department for stocking private waters would not be restricted. However, the stocking would have to be accomplished by others. Recreational access is an FY90 proposed program by the Department and fishing is included as a recreational use. Fish stocking of enrolled water bodies may be restricted.

Should impacts such as listed occur, it would have an adverse impact on recreation and fisheries management. Additional fishing pressure may be noted on our public waters, license sales may decrease slightly, fishery resource management may suffer, diminished fishing opportunity may occur, and increased admission fees for anglers may result.

Mr. Chairman and members of the committee, the Kansas Department of Wildlife and Parks must oppose H.B. 2213 in its current form which restricts the Department's role in providing recreation and resource management.

February 23, 1989

Testimony HB2213

Mr. Chairman, members of the Committee, My name is Spencer Tomb. I currently serve as Conservation Vice President of the Kansas Wildlife Federation. I am here to speak against House Bill #2213 for the Kansas Wildlife Federation.

This bill, if passed, would result in the loss of fishing opportunity for thousands of Kansans. The bill as worded could limit the KDWP's ability to rehabilitate streams after fish kills and possibly prohibit the trade of fish for other wildlife with other states.

According to a Federal study, fishing is the single most important outdoor recreational activity in North America. In 1982, privately owned watershed lakes and farm ponds were where 28% of Kansans preferred to fish. That was a 10% increase over 1974. Roughly, 25% of all fishing effort occurs on farm ponds. A survey of pond owners whose ponds had been stocked by the agency between 1972-1975 found that 73% of the fishing effort on these ponds was by young fisherman (16 yrs. or less). The same survey found that 43% of the ponds stocked were open to the public or were open to all that would ask. The current practice of giving fish for stocking in new or rehabilitated ponds on private lands helps keep these private ponds open for the public's use.

Fish kills occur in all parts of Kansas. When the stream is large enough, restocking is done to help the fishery of a stream recover. This bill would prohibit this.

It is very likely that the state program to stock ponds will have much more increased demands for fish when spring precipitation returns to normal. Ponds that have dried up and ponds that were low and had winter fish kills will need to be restocked.

KWF urges you; on behalf of the fishermen of the Kansas, to not pass this bill out of the Committee.

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Attachment 8

POND FISHERIES

PROGRAM BACKGROUND INFORMATION

Approximately 54,000 fishable private ponds comprise 23 percent of Kansas' surface water acreage (83,000 acres) and provide significant sport fishing opportunity for the State's anglers. According to a Licensed Angler Survey (LAS), 24 percent of all resident licensed angler days in 1982 were spent fishing ponds. This compares with 22 percent in 1974 for a similar survey. The 1982 survey also established that 28 percent of all resident licensed anglers preferred to fish ponds, making ponds the most preferred water type. Either ponds have become more attractive or other water types have declined in popularity, as preference for pond fishing has risen by 10% from 1974 to 1982. Pond use and preference percentages would have been higher in both surveys if nonlicensed anglers had been surveyed. A survey of pondowners (POS) whose ponds had been stocked with agency fish between 1972 and 1975 found 73% of all anglers fishing such ponds to be under 16 years of age. The same survey found 43% of all ponds to be either open to public fishing or open to anyone asking permission to fish.

While ponds are the most manageable water type, a comprehensive pond program is needed to bridge the gap between the Kansas Fish and Game Commission and pondowners. Such a program was implemented in 1978. Prior to 1978 the agency's involvement with ponds consisted primarily of providing an initial stocking of fish. It is important that this service continues. If the agency did not provide fish, many ponds would likely be stocked incorrectly, or not be stocked at all, subsequently reducing angler benefits.



Kansas Ponds," a publication developed in 1982, a letter with management recommendations and a laminated 15-inch minimum largemouth bass length limit sign to prevent initial bass overharvest.

Applied research, the program's third component, is necessary to evaluate pond management practices, results of which are passed on to pondowners through information and education efforts. In addition to benefiting sport fishing, the pond program optimizes pond-associated terrestrial wildlife benefits.

From: A Plan For Kansas Wildlife
Kansas Department of Wildlife
& Parks
1985

Sixty-three percent of the pondowners surveyed through the POS said they would not have purchased fish had the agency not provided them. In 1982, legislative restriction prevented the agency from providing channel catfish for ponds. In spite of being provided lists of commercial growers, pond owners purchased this easily-obtained species for only 41% of their ponds.

Pond inspections prior to approval for stocking are important for assessing the impoundments' fish producing capabilities. They also afford agency personnel the opportunity to contact pondowners, providing them information and education, the second component of today's pond program.

According to the Pondowner Survey, 49% of all pondowners surveyed indicated that they did not have sufficient information to manage their ponds for sport fishing. Information packets are now sent to pondowners two years after their pond is stocked. Contained in the packets are a copy of "Producing Fish and Wildlife From

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Attachment 8a

February 22, 1989

In regard to House Bill 2213:

That the Kansas Wildlife and Parks stock no fish only in public waters, where the men and women who hold only a valid fishing license have access to them.

In the past they have been stocking private waters, as well as County and City water areas, who charge a fee to fish as well as a fishing license. This is unfair to the public, who are paying the bill to support the program thru their fishing license.

We are talking about around 1 million people in Kansas who purchase a fishing license, who don't have access to these fish with only their fishing license.

It is also unfair to the several hundred fish producer in the State of Kansas to be in competition to a give away program, and I'm sure that the Kansas Wildlife and Parks do not produce enough fish to properly stock their own public waters.

If they want to continue this program the fish should go into waters where the public has access to, With Only a License.

Hartley Fish Farm
Kingman, Kansas

HARTLEY FISH FARMS

THE FIRST PRIVATE COMMERCIAL PRODUCERS
OF CHANNEL CATFISH IN THE U.S.A.

FISH FOR STOCKING

SPECIALIZING IN CHANNEL CAT

ALSO CRAPPIE, BLUEGILL, BASS, HYBRID
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Kingman, Kansas

WE ALSO WORK AS POND CONSULTANTS

(over)

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Attachment 9

February 23, 1989

Kansas Wildlife Federation Presentation on House Bill #2303
By Spencer Tomb, Vice President, KWF

Mr. Chairman, Members of the Committee, my name is Spencer Tomb. I am from Manhattan and currently serve as Conservation Vice President of the Kansas Wildlife Federation. The Federation is a not-for-profit, natural resource and wildlife education and conservation organization.

We are here to speak for HB2303. We favor action that would permit more use of the resource by handicapped hunters that is consistent with good wildlife management practice. We would prefer wording in the bill so that it would allow the Wildlife and Parks Commission by rule and regulation to act on permitting the limited use of the crossbow. We are concerned about how "disabled to the extent such that a person cannot physically use a conventional long bow" would be determined by a single physician.

Why is long bow here rather than compound bow which is easier to use? There are physical handicaps that would prevent the use of a long bow that may still enable the use of a compound bow. We would like to see increased use of our natural resources by handicapped users. The use of the crossbow by those with substantial upper body disability may be appropriate.

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H.B. 2303

TESTIMONY PRESENTED TO THE HOUSE ENERGY AND NATURAL RESOURCES
COMMITTEE - FEBRUARY 23, 1989.

PROVIDED BY: THE KANSAS DEPARTMENT OF WILDLIFE & PARKS

The subject of crossbows and deer hunting has been a frequently discussed item for many years within the Department, by the old Fish & Game Commission and by the public. It remains a debated item, not so much from the point of view of using, but from strongly polarized concepts of is it more similar to a bow or a firearm --- and in which season should it be used; firearms, archery or in an entirely separate season.

The Department has the authority to permit the use of crossbows through regulation. The issue of Handicapped use of crossbows was only brought to the Wildlife and Parks Commission attention in January of 1989. No proposals to change regulations have been made by the agency.

H.B. 2303 would authorize persons with a permanent physical disability to secure a deer or antelope hunting permit and hunt with a crossbow under conditions prescribed by rule and regulation. A doctor's certification would be required.

Proper determination of disability levels would appear to be a very likely problem area. The taking of a deer with a crossbow will require certain physical capabilities such as tracking, stalking and checking for wounded animals. I am concerned that the definition of permanent disability and physically handicapped use of a bow needs to be better defined and clear.

I would hasten to point out that the concerns I am expressing are not directed at limiting recreational participation for the handicapped or disabled. One of my goals is to improve and encourage recreational opportunity for those individuals. Vehicle hunting and fishing permits and free park permits are but two advantages available to encourage participation. Upgrading our facilities to accommodate handicap needs has occurred and is given even higher priority in the Governor's FY90 budget for our Department.

I do not wish to ignore this segment of our public, but I am concerned with H.B. 2303.

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TO: The House Committee on Energy and Natural Resources
Dennis Spaniol, Chairman

FROM: Kathy Brown George Junction City, Kansas
Commissioner, Kansas Department of Wildlife and Parks
Vice President, First Kansas Development, Inc.

TESTIMONY ON HOUSE BILL NO. 2303

FEBRUARY 23, 1989

Chairman Spaniol, Members of the Committee:

I appear before you today to voice my concerns with HB 2303, authorizing the hunting of deer or antelope with a crossbow by persons with disabilities.

In my work with First Kansas Development, I administer Federally funded projects for a number of governmental units across the state. These projects range from providing handicapped accessibility in public structures to housing rehabilitation for low income families. I have also worked as a volunteer in my local school system working with both mentally and physically handicapped individuals. Through these contacts I have become acutely aware of the very broad range of definitions applied to the term "permanent disabilities". As currently worded, this bill does not provide clear definition for an ethical medical doctor to use as a basis for disability certification. At the same time, the abuse of this special process could be easily accomplished.

The Wildlife and Parks Commission has discussed the issue at hand and voiced several serious concerns. Definitive guidelines for determining those permanent disabilities which might not only eliminate the ability to use a conventional long bow but also the ability to safely use a crossbow are a necessity. Concerns with the introduction of the crossbow as a legal hunting tool in the state of Kansas were also expressed.

The need to provide quality outdoor opportunities and experiences for disabled individuals in this state is a commitment understood and accepted by both the Commission and the Department. Through strategic planning and professional guidance we have and will look at such new opportunities as disabled angling access and interpretive nature trails with handicap use capabilities. Please allow us to develop hunting opportunities for disabled individuals with the same thoroughness.

Thank you for your consideration.

Kathy Brown George

*H Energy and NR
2-23-89
Attachment 12*



HB 2303

The Kansas Bowhunters Association opposes HB 2303. We feel the crossbow should not be legalized in the State of Kansas for big game hunting, even for a person with disabilities.

The crossbow was developed during the Middle Ages as an improvement to the handheld bow. The crossbow is more accurate and can shoot farther than the conventional longbow. The crossbow requires it to be cocked before it can be shot. The cocking procedure (see attached drawing) takes physical strength and ability. We feel that a truly disabled person would have some problems in cocking a crossbow.

We feel that if a handicapped person wants to hunt deer in Kansas that the opportunity already exists for them to hunt. If a person has the loss of one leg or even both legs, they can still shoot a bow. We have archers shooting bows with the loss of both legs.

If a person only has one arm, it would be almost impossible for them to cock a crossbow. This person would be better off hunting with a rifle or even better, a pistol. One of the champion archers in the State of Nebraska only has one arm. He holds the bow with one hand and draws the string with his teeth.

Just because a person can not physically draw a bow and shoot it, does not make him or her handicapped. We feel it is a matter of how much effort you are willing to put into it.

HB 2303 allows a medical doctor to judge whether the person cannot physically use a conventional longbow. We understand there are places where you can get a doctor's signature for about anything.

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The KBA feels that HB 2303 should not be passed out of this committee. We feel that a truly handicapped person should be hunting with a rifle or pistol and the other so called "handicapped" should put forth the effort to shoot a longbow.

Thank-you for your time. If you have any questions, please contact me at (913)266-8466.

Ron Smith, Chairman
Legislative Committee
Kansas Bowhunters Association
3249 SE Shawnee Terrace
Topeka, Kansas 66609

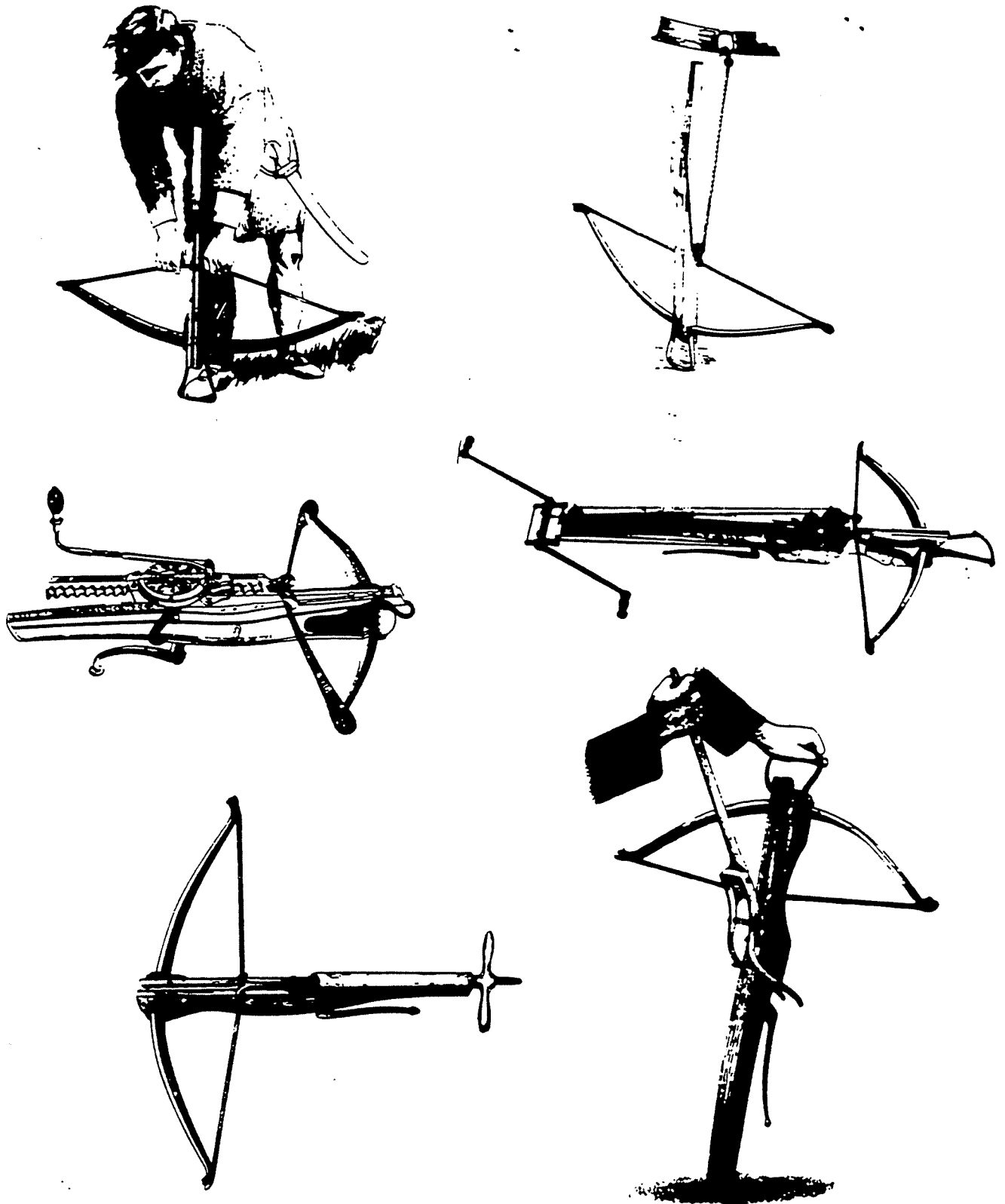


FIGURE 1-1. TYPICAL MEDIEVAL CROSSBOWS AND COCKING DEVICES

H Energy + NR
2-23-89
Attachment 13a

STATE OF KANSAS



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HOUSE OF
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REPRESENTATIVE, 117TH DISTRICT
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MAJORITY PARTY CAUCUS CHAIRMAN

TO: Representative Dennis Spaniol, Chairman
House Energy and Natural Resources Committee

FROM: Representative Max Moomaw

RE: House Bill 2341

DATE: February 23, 1989

Thank you Mr. Chairman and members of the committee.

The chalk beds in western Kansas contain fossils that range in age from several thousand years to more than 100 million years old. These chalk beds hold specimens from the dinosaur age to the ice age. This area is one of the prime collecting areas of the world. Japan is one of the strong bidders for fossils. These fossils can be worth a lot of money. For example, a complete mosasaur can be worth from \$30,000 to \$50,000.

In recent years a controversy has developed between landowners and commercial fossil hunters. The landowners say the commercial fossil hunters in most cases have not told the farmer that they collect fossils to sell and that these fossils may be of great value. For example, one commercial collector told a landowner he collected for exercise and as a hobby. The landowner was not happy, to say the least, when he discovered that the collector was making money from the sale of fossils. A lot of the fossils now being collected are going to private collections instead of to museums and universities. I have no problem with people collecting and selling fossils as long as the landowner knows their intentions and as long as the landowner has an opportunity to participate in the proceeds of the

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Representative Dennis Spaniol, Chairman
House Energy and Natural Resources Committee
February 23, 1989
Page two

sale of these fossils. I believe House Bill 2341 will guarantee that the landowner has that knowledge and that opportunity.

House Bill 2341 requires a commercial fossil hunter to have written permission from the landowner to search for fossils. That written permission shall state that the landowner has been informed that the commercial hunter intends to sell the fossils. H.B. 2341 requires the commercial fossil hunter to provide a description of the fossil and the value, if known, and must have the landowner's written permission to remove the fossil. I do not believe H.B. 2341 will limit the opportunity of 4-H members or people such as sharks' teeth hunters or geology clubs to continue to pursue those activities.

I will try to answer any questions.

Bush remains silent on his choice for a running mate.
Campaign aides say a dozen names still are in contention. See page 10.



75, and Joe, 77, the
the farm and move to town. See News
Nor'wester, page 25.

Editorials page 4
Nor'wester page 25
Sports page 17

The Hays Daily News

Sunday morning
August 14, 1988
7 sections, 108 pages, 50¢
Our 59th year - No. 237
Hays, Kansas 67601

Collectors, paleontologists square off over sought-after fossils

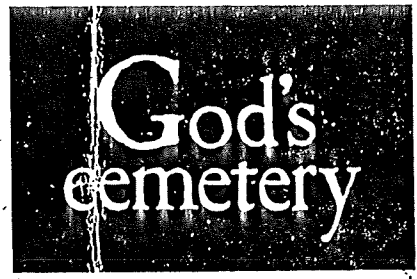
By MIKE CORN

Treasures — some more than 100 million years old — are disappearing from northwest Kansas.

When they resurface, the fossils, preserved in what was once the bottom of an ancient sea covering Kansas, could turn up in California, Japan or Europe.

The fossils might serve as expensive decorations for private collectors who hang them over fireplace mantels, use them in walls of indoor swimming pools or incorporate them into facades on high-rise office buildings.

"They collect them kind of like stamps," said J.D. Stewart, a Kansas-trained paleontologist who now serves as assistant curator for fossil fish and reptiles at the Los Angeles



• Today: The controversy over collecting.
Monday: Supplying the demand for fossils.
Tuesday: The Sternberg legacy lives on.



County Museum of Natural History.
"That's a real disservice when sold to people like that, especially if

they're rare."

Professional fossil hunters have quietly invaded the thousands of acres of chalk beds in Trego, Gove, Logan and Wallace counties, collecting thousands of dollars worth of the fossils.

"I was amazed at the money they get for this stuff after I started checking," said Frank Offutt, a Gove County farmer whose land draws collectors like a magnet. "I had no idea it was worth thousands of dollars."

Scientific material is also lost, some contend.

"I personally think it's a tragedy this information is being lost," said a noted paleontologist who requested that his name not be used. "They (commercial collectors) will give you the argument that it will

weather away."

Commercial collectors argue that fossils would be lost if left to the vagaries of nature. They also contend that they donate rare specimens to museums — specimens that otherwise would not have been collected.

The chalk beds — dubbed God's Cemetery by world-famous collector Charles H. Sternberg — are imposing structures, visible examples of the powerful forces of nature.

Hunting fossils for profit is a complex issue, one with differing viewpoints. It is a war with several sides and plenty of fighting within individual camps.

Recognized paleontological societies abhor commercial collectors and advocate laws to protect areas

from depredation.

The only protection Kansas offers is the law against trespassing, which commercial collectors argue is adequate. In at least two instances, farmers disagree.

"They'll pull in and if someone doesn't run them off they stay until you do," Offutt said. "They're hard to run out. They've always got an excuse."

Details of the plundering that some claim is taking place remain sketchy. The farmers, on whose land the search for valuable fossils occurs, say the professionals are shrewd and offer only a partial story; the hunters fail to mention that they collect for a profit.

Some farmers, who have dealt with the collectors, say deception

and outright illegal actions, such as trespassing, have occurred.

Teams of collectors, armed with gas-powered jackhammers, remove fossils from the chalk in which it is imbedded.

The potential profits make the work worthwhile.

The fossil remains of a rare shark hang on the wall at a fossil shop in Estes Park, Colo. The price tag for the *squalicorax falcatus*: \$28,000.

"That's what they were asking," Offutt said. The specimen came from Gove County, along the Sm Hill River, but store personnel were not specific. Offutt fears the shark might have come from his land.

FOSFILLS IN DEMAND

Continued on page 2

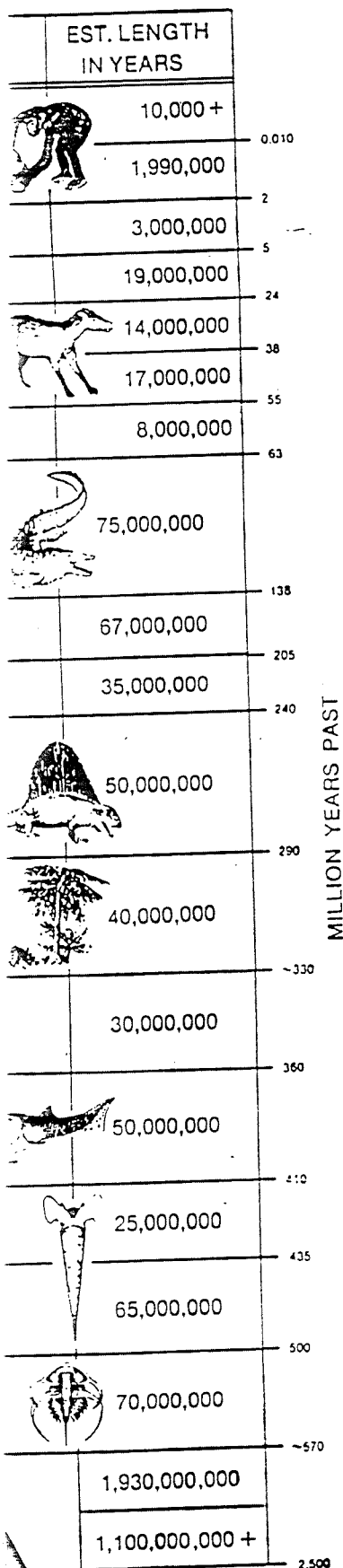


Breakdown
doesn't stop
avid tourists

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Fossils in demand, priced high

Continued from page 1



courtesy Kansas Geological Survey
 Diagram of geologic periods in Kansas during these times.

Other specimens bring healthy prices. A complete pterodactyl can fetch \$50,000 to \$100,000, paleontologists say. A complete mosasaur, relatively common in the chalk beds of northwest Kansas, can be worth \$30,000 to \$50,000.

Even at those prices, there are willing buyers. The strongest market is in Japan, where money is more plentiful than fossils.

Northwest Kansas farmers receive little or nothing for the fossils. Often, they don't even know someone is on their land, or what will be done with the fossils that are collected.

Offutt has been paid \$200 for three fossils recovered on land he farms. One, a cimolichthyes, a fish from the Cretaceous period, measuring 4-feet long — the size of Offutt's kitchen table — put \$100 in his pocket. A Utah firm eventually sold it for \$2,500.

Despite the money, Offutt is bitter about his experience with commercial collectors. His dislike for the business is shared by Gove County landowner Charles Tuttle and numerous paleontologists throughout Kansas and the nation.

"I don't like it," Offutt said. "In part since I found out this stuff's worth something. I don't like someone coming in and taking something worth something. It's like stealing."

Commercial collecting of fossils is not new. Collectors have combed the area for more than 100 years. Today, however, most fossils are going to private collectors rather than museums and universities.

Offutt views the commercial collectors as a tight-knit group, feeding information to one another about fossil-rich locations. After running off one collector, he said, he found another on his land.

The first collector, Dave Tanking, Baldwin, denies that he invited the second collector.

Offutt doubts that most farmers care if people collect but he thinks they should be paid a fair price for items taken from their land.

"I think they could hunt if they would pay people what it's worth."

He would prefer, however, that the material stay in Kansas.

"I really think it needs to stay in the area," he said. "But it doesn't seem like anyone's inter-

ested."

Paleontologists across the state and the nation are interested but say they are hampered by inadequate funding and manpower.

One exploration project could start in 1989, according to Hans Peter Schultz, a vertebrate paleontologist at the University of Kansas.

But, Schultz said, museums cannot compete with private collectors in terms of the amount of money they are willing to pay.

"We have no money to buy fossils," he said. "We have to collect ourselves. Collecting is cheap, compared to buying it."

Schultz knows there is an active market for fossils.

"Especially in Japan, at the moment, because they have money available," he said. Fossils are purchased to build into indoor swimming pool walls and entries into buildings.

"In Japan, people have so much money that they take complete museum exhibits and take it to Japan and exhibit it there for two to three months and take it back," Schultz said.

Japan is the primary market, said Tom Lindgren, co-owner of Green River Geological Laboratories, a Green River, Utah, firm that has started collecting in Kansas.

Money and a fascination with ancient monsters, precipitated by cheap Godzilla films, are thought to be responsible.

"Apparently it's become kind of popular to have one of these things over the mantel," said Joe Thomasson, an FHSU botany professor now on leave of absence. "I just cringe at the

thought of one of those things being taken out of Gove County."

Thomasson fears the state is losing its treasures.

"I know there are these commercial outfits," he said. "Some try to put on a scientific facade, but the bottom line is the profit."

"The idea of hauling off stuff sell really rankles me," said Charles Maples, a paleontologist at the Kansas Geological Survey.

He likens the situation to "fossil carpetbagging in a sense."

Maples would like to see the material remain in Kansas or, at the very least, in museums in the United States.

"This has been a pet peeve of mine," he said. "It's a personal one. I want to see the stuff in Kansas either remain in Kansas or be in a national place in the United States, like the Smithsonian."

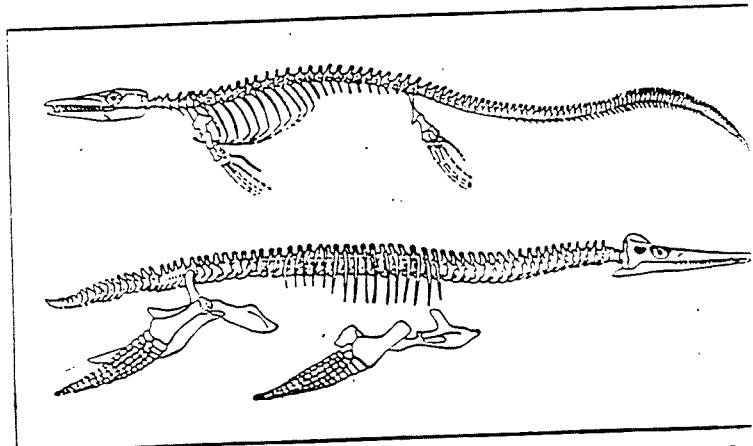
"If people see a part of Kansas in the Smithsonian, they may want to come to Kansas."

Maples said he would even go as far as to allow international museums to collect the fossils, as long as the collecting is regulated. He does not, however, want to "see some shyster getting rich at some landowner's expense."

Until recently, farmers were paid for fossils gathered by commercial collectors.

That will change, according to Glenn Rockers, a haunts man who makes his living collecting, preparing and selling fossils.

"It hasn't been upfront for a hundred years," Rockers said. "Now it has got to be upfront from here on. I know I have to change with the times and the times are changing."



Drawings courtesy Kansas Geological Survey

Fossils prevalent in the western Kansas chalk, from top, mosasaurs, plesiosaurs and pteranodons.

Testimony to the House Committee on Energy and Natural Resources, House Bill 2341

Lee C. Gerhard, Director, Kansas Geological Survey, Lawrence, Kansas
February 23, 1989

My name is Lee Gerhard, I reside in Lawrence, Kansas, and I am State Geologist and Director of the Kansas Geological Survey. Although I did not attend this session in order to testify on House Bill 2341, I am pleased to offer my observations and thoughts upon the issue of fossil removal from fee lands for commercial purposes.

First, I support this bill.

Second, I hope that no amendment would extend the provisions of this bill to non-commercial collecting, thus increasing difficulty for educational and hobby groups to pursue their interests. The purpose of the bill, as I understand it, is to address the question of unauthorized removal of large vertebrate fossils from private land for resale. The bill does a good job of addressing that issue.

I support this bill because:

1. Fossils are part of the rocks in which they occur. Rocks are part of real estate, and as such, have value. Whether considered part of the surface estate or the subsurface estate, unauthorized removal of fossils from private land is nothing more than theft of oil, water, coal, crops or cows. Severance of fossils for profit is severance of a valuable natural resource.

2. As such, I see no reason that such activity cannot be handled in exactly the same way oil and gas or other minerals are leased and

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exploited, by specific term lease with financial remuneration to the owner negotiated between the exploiter and the landowner.

3. I see the bill as an elegant solution to a problem of a specific part of the state which does not adversely impact any other part of the state, does not cause expense to the state, and does not require regulation nor record-keeping.

4. There is nothing in this bill which would preclude or hinder hobby or educational collecting as it is now done.

Thank you for the opportunity to comment on this issue.

TESTIMONY

RE: House Bill No. 2341

By: Glenn F. Rockers
P.O. Box 621
209 W. 17th St.
Hays, Kansas 67601
913-625-2245

Ladies and Gentlemen of the Committee, I would like to thank you for the opportunity to be here today. My name is Glenn Rockers and I own and operate a company called PaleoSearch, located in Hays. My company collects, prepares and sells fossils. Ladies and Gentlemen, you are looking at the only full-time commercial fossil collector in the State of Kansas. House Bill No. 2341 is written to regulate commercial fossil collecting. Commercial fossil collecting in Kansas has been going on for over 100 years and has contributed significantly to the State's museums and Universities. In my community of Hays, alone, our No. 1 tourist attraction is the state-owned Sternberg Museum. This museum exists primarily from the unselfish efforts of commercial fossil collectors. The Sternbergs were not only scientists, they were commercial fossil collectors who collected, prepared, donated and sold Kansas fossils to museums throughout the United States and overseas.

The Sternberg Museum's "crown jewel" is a complete fossil Pleisiosaur. This fossil is the finest of it's kind in the world and is on display at the museum solely from the efforts of Marion Bonner, a Kansas commercial fossil collector. Likewise, many of K.U.'s and K.S.U.'s displays of Kansas fossils would not be there for public enjoyment if it were not for the efforts of commercial fossil collectors.

This commercial collector, along with hundred's of other Kansas citizens, has made considerable no-cost donations of fossils to the state's museums and institutes of higher learning.

Commercial fossil collectors play a very important role in the recovery of scientifically important fossils that would otherwise be lost to the erosional damage of nature. The vast majority of commercial collectors are

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conscientious, dedicated and responsible people that know the importance of collecting and donating unusual fossils to the scientific community. Also, their efforts are directly beneficial to attracting tens of thousands of tourists to the State's museums every year.

Commercial fossil collecting does not need to be regulated by additional bureaucratic red-tape. This proposed bill is unnecessary legislation to cover private business negotiations between a few select people. We already have adequate laws governing trespassing that protect the landowner from unwanted fossil collecting on their land.

If this bill becomes law, all types of fossil collecting in the State of Kansas will cease to exist. There are no winners if this bill becomes law. Everyone involved with fossils will be a loser. The first loser is the State of Kansas because a 100-year-old tradition of citizens donating fossils to the State will stop. This bill establishes that fossils have monetary "value". Will landowners continue to make no-cost donations to the state or is the State of Kansas willing to pay the landowner for a fossil like a commercial collector does?

Second, the scientific community is going to be the loser. Many fossils discovered by a commercial collector have absolutely no monetary value. However, those fossils may have priceless scientific value. In the past, a majority of commercial collectors have been dedicated to collecting and donating these fossils to scientific institutions. If this bill passes, this tradition might adversely be affected. The commercial collector, knowing that he has substantial paperwork to go through before he can collect that scientifically important fossil, may decide that it isn't worth the effort.

The third loser is our young people! Our students of geology, biology and paleontology. Grade school students, high school students and geology

Testimony
Glenn F. Rockers
Page 3

field trips to the fossil-rich lands of Kansas will end. If this bill passes, the Kansas landowner is not going to allow a bus load of students to scurry all over his property, picking up fossils, if the State of Kansas legislates that those fossils are a "cash crop".

Ladies and Gentlemen, you are looking at the fourth loser if this bill becomes law. It will put me out of business, along with a half-dozen, part-time commercial collectors living in this State.

The last loser, if this bill becomes law, is the very person that this bill is trying to protect. The objective of this bill was not only to protect the landowner's property but to increase his revenue from his land in an economically depressed area. If this bill passes, it will backfire! It gives the landowner the legal right to demand compensation for any fossils removed from his land, which I agree with, but it eliminates anyone who is in a position to recover and purchase the fossils on his land. If this bill becomes law, everyone will be a loser! There will be no winners!

I want to thank you for the opportunity today to hear my point of view regarding this bill. Unfortunately, I feel that there are many other Kansans that will not have that opportunity. As shown on page No. 5 of this testimony, you will see a list of the twelve (12) largest gem, mineral and fossil clubs in the State of Kansas. You are looking at approximately 1,500 organized Kansas citizens that will have their recreational and hobby activities adversely affected if this bill passes. This bill is more complex than it appears. It will also affect the retired Kansas lapidary enthusiast that picks up a piece of Kansas petrified wood and then cuts, tumbles and polishes the fossil and then sells it. He will be considered a commercial fossil collector. Also, the high school student that collects shark's teeth and then sells them to his

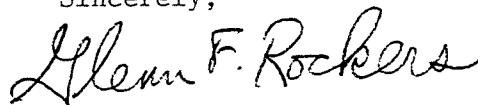
friends. He will be considered a commercial fossil collector.

Ladies and Gentlemen, as stated earlier in my testimony, this is unnecessary legislation to cover private business negotiations between a few select people. We already have adequate laws on the books governing trespassing that protects the landowner from unwanted fossil collecting on his land.

As a Kansas businessman, I urge this committee to defeat this bill, or at least postpone your vote until more Kansas citizens are able to testify their concerns about the ill effects of this bill.

Kansas fossils are very precious! They need to be collected by conscientious and dedicated amateur, scientific and commercial fossil collectors!

Sincerely,

A handwritten signature in cursive script that reads "Glenn F. Rockers". The signature is written in dark ink and is positioned above the typed name.

Glenn F. Rockers

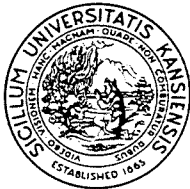
KANSAS GEM MINERAL AND FOSSIL CLUBS

CHANUTE GEM AND MINERAL SOCIETY.....	70 members (approx.)
SOUTHWEST KANSAS GEM AND MINERAL SOCIETY.....	30 members
GOLDENBELT GEM AND MINERAL SOCIETY.....	60 members
HIAWATHA GEM AND MINERAL CLUB.....	30 members
HUTCHINSON GEM AND MINERAL SOCIETY.....	170 members
KAW VALLEY ROCK CLUB.....	250 members
LAWRENCE GEM AND MINERAL CLUB.....	90 members
MANHATTAN MINERAL GEM AND FOSSIL CLUB.....	70 members
McPHERSON GEM AND MINERAL CLUB.....	60 members
SHAWNEE MISSION GEM AND MINERAL SOCIETY.....	250 members
TOPEKA GEM AND MINERAL SOCIETY.....	200 members
WICHITA GEM AND MINERAL SOCIETY.....	250 members

This is a partial list of Kansas Gem, Mineral and Fossil Clubs whose membership will be affected by House Bill No. 2341.

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Attachment 16 a

The following pages No. 7, 8, 9, 10, 11, and 12 are substantiating documents attesting to Glenn F. Rocker's testimony on House Nill No. 2341.



THE UNIVERSITY OF KANSAS

Department of Geology
120 Lindley Hall, Lawrence, Kansas 66045-2124
(913) 864-4974

June 23, 1986

Mr. Glenn F. Rockers
Box 2613
Estes Park, CO 80517

Dear Glenn:

Many thanks for the fossils that were delivered by Jack Curtis. The complete specimens on slabs from the House Range are probably from the uppermost Weeks Formation. One has an exposed pygidium with a pair of spines characteristic of Crepicephalus. Few complete specimens have ever been reported for this genus.

The specimen from the Drum Mountains is more of a problem. It appears to be of organic origin, but is unlike any fossil I have seen in the Cambrian. At this time, I can not identify it. Dr. Simon Conway Morris from Cambridge University will be visiting here in mid August. He is an expert on the biota of the Burgess Shale and perhaps he will be able to give some help.

On Thursday I will leave for a few days in Utah and from there will fly to China to study and collect Cambrian fossils. I expect to return to Lawrence on August 8th.

You will be kept informed if I learn more about these fossils.

Best regards,

R. A. Robison



National Museum of Natural History · Smithsonian Institution

WASHINGTON, D.C. 20560 · TEL. 202-

April 22, 1986

Mr. Glenn Rockers
841 University Drive
Estes Park, CO 80157

Dear Mr. Rockers:

On behalf of the National Museum of Natural History, I wish to acknowledge the receipt of the worm. Total = 1 specimen. The specimen has been entered as a gift in your name.

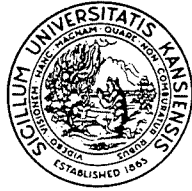
Please accept our sincere thanks for this valuable addition to our collections.

Sincerely yours,

A handwritten signature in cursive script that reads "Frederick J. Collier". The signature is fluid and matches the typed name below it.

Frederick J. Collier
Collections Manager
Department of Paleobiology

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Attachment 16c



THE UNIVERSITY OF KANSAS

Department of Geology
120 Lindley Hall, Lawrence, Kansas 66045-2124
(913) 864-4974

November 5, 1986

Glenn F. Rockers
Box 2613
Estes Park, Colorado 80517

Dear Glenn:

Many thanks for the trilobite, which arrived safely today. It is an excellent specimen of a new species of Modocia that I tentatively had planned to describe and name Modocia kohli. This is the fourth specimen known to me and is important in adding additional information about variation within the species.

Your contribution is much appreciated and will be duly acknowledged when I get around to preparing a manuscript.

I enjoyed your visit and hope that our paths cross again.

Best regards,

R. A. Robison

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PAGE 10

January 9, 1986

*Glenn Keckers,
with a gratitude for
your contribution Paper 111
Dick Robison*

The University of Kansas
**PALEONTOLOGICAL
CONTRIBUTIONS**

**MIDDLE CAMBRIAN PRIAPULIDS
AND OTHER SOFT-BODIED FOSSILS
FROM UTAH AND SPAIN**

S. Conway Morris and R.A. Robison

*For Glenn Keckers
with many thanks
Dick Robison*

December 29, 1988

Paper 121, 122

The University of Kansas
**PALEONTOLOGICAL
CONTRIBUTIONS**

**TAXONOMY AND PALEOBIOLOGY OF SOME
MIDDLE CAMBRIAN SCENELLA (CNIDARIA) AND
HYOLITHIDS (MOLLUSCA) FROM WESTERN
NORTH AMERICA**

L. E. Babcock and R. A. Robison

**MORE SOFT-BODIED ANIMALS AND ALGAE
FROM THE MIDDLE CAMBRIAN OF UTAH
AND BRITISH COLUMBIA**

*# Energy and NR
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Attachment 16e*

Simon Conway Morris and R. A. Robison

PaleoSearch

February 19, 1989

Ms. Julie Doll, Editor
The Hays Daily News
Hays, Kansas 67601

Dear Ms. Doll:

This letter is in response to Mike Corn's article in the Sunday edition (2-12-89) of the Hays Daily News concerning Representative Moomaw's proposed Bill No. 2341 to regulate commercial fossil collecting in the State of Kansas.

Representative Moomaw's proposed Bill is very vague and total unworkable. As a commercial fossil collector, I agree 100% with the Bill's intentions. However, I disagree with the mechanics of carrying out the Bill's purpose.

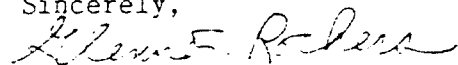
By the very nature and wording of the Bill, Rep. Moomaw is making it impossible for the commercial fossil collector to conform to the Bill's requirements. I quote, from the proposed Bill, "No commercial fossil hunter may remove a fossil from the land upon which the fossil is located unless the landowner is first provided with a description of the fossil and the value of the fossil....". The problem word here is "Value". Fossils in the ground have no value. A fossil's value is only established after it is professionally removed from the ground, meticulously prepared with 100's of hours of labor and scientifically articulated in an aesthetic form and then placed on the market and sold. This involves considerable time, labor and expense. Then and only then, can an accurate value be placed on the fossil.

Trying to place a value on a fossil at the time of discovery is equivalent to estimating the final value of a bushel of wheat at the time it is planted rather than at the time of harvest. As with wheat, there are many factors that determine a fossil's final value.

To protect the landowner's interest and the speculation of the commercial fossil collector, my company, PaleoSearch, has pioneered a fair and equitable formula to pay landowners for their fossils. I suggest that the land owner demand participation as a partner in the fossil's value until the time of final sale. At that time, all parties receive maximum compensation for their time, efforts and ownership. This type of arrangement has been fair and successful for over 50 years in the oil and mining industry. The time has come for Kansans to apply this formula to the commercial fossil industry.

House Bill No. 2341 should be defeated! It is unnecessary legislation to cover private business negotiations between a few select people. We already have adequate laws governing trespassing that protect the landowner from unwanted fossil collecting on his land. Is additional bureaucratic red-tape really necessary?

Sincerely,



Glenn F. Rockers, Owner - PaleoSearch

PaleoSearch

February 20, 1989

Mr. Chris Maples
Kansas Geological Survey
University of Kansas
1930 Constant Avenue, Campus West
Lawrence, Kansas 66046-2598

Dear Chris:

Regarding the proposed House Bill No. 2341 concerning commercial fossil collecting in the State of Kansas, I would like to convey to you my feelings. I believe this affects us both.

The obvious intent of this bill is to regulate only commercial fossil collectors. I feel that this bill will backfire and have an adverse effect on everyone that collects fossils, i.e., the State of Kansas, the scientific community, students and amateur fossil hunters. If the State of Kansas passes a law stating that fossils have "value", then only individuals who are willing to pay "value" will be able to collect fossils. The 100-year tradition of no-cost donations and free access to students on fossil-rich land will cease to exist. The landowner is not going to allow museums and scientists and students to collect fossils when the State of Kansas dictates that only commercial collectors are required to state value and make payment for those fossils.

I am sure that you can read between the lines of this proposed bill and visualize the adverse effects it will have on all areas of fossil collecting.

I am planning on attending the committee hearings on Thursday, February 23rd in Topeka. I am hoping that you are also planning on attending and look forward to seeing you there.

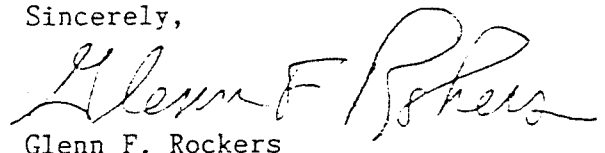
Committee Hearings: Thursday, February 23, 1989, 3:30 P.M. in Room 526 South, State Capitol, Committee Chairman: Rep. Standiol

If you want to testify, call Betty at 913-296-7675.

30 copies of your testimony required.

I am also enclosing a copy of my letter to the Editor of the Hays Daily News.

Sincerely,



Glenn F. Rockers

GFR/bjc
encl.

OPPOSITION TO BILL 2341

Ladies and Gentlemen of the Committee:

As a part-time commercial collector, I am opposed to House Bill #2341, because it is a fancy way of just rewriting a Kansas law called trespassing. You can-not collect fossils without permission of the landowner. If you are collecting without permission, the landowner has recourse under the trespass law.

I, and many other Kansans across the state grow tired of needless legislation egged on by journalists, trying to sell newspapers. It is a crying shame that in a state like Kansas that has such a rich history of commercial collectors and fossil collectors for hire, such as the famous Charles Sternberg, George Sternberg and the Bonner family of Western Kansas who have done so much for the state museum by contributing hundreds of specimens and filling the museums with fantastic finds, that bring people to Kansas as tourists, people who spend money on our state. This bill is a slap in the face to past, present, and future commercial fossil collectors and amateur fossil collectors.

As a commercial collector I have never been asked, to pay for a fossil I have collected. I have not collected on lands that I do not have permission to be on. Let's not rush to pass a Kansas law for a trespassing problem that was created largely by and out-of state firm.

If land-owners of Kansas would like to be payed for fossils that are on their land, all they have to do is ask, and thats all. If they do not want collectors on their land, all they have to do is say no.

If this bill is passed, with it's built-in red-tape, it will hinder Earth Science Clubs, High School field trips and etc. Due to the fact that it will create a trend that surface collected fossils such as petrified wood, small fossil shells, crinoid stems etc, are a loss of revenue to the land owner,

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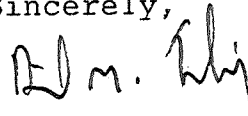
when in reality small common surface collected fossils really do not have any commercial value. This bill will make a criminal out of somebody who picks up a piece of petrified wood, polishes it, makes it into a key chain, and sells it for 50¢.

If a landlord of Kansas wants to be payed, commercial collectors will pay them gladly. Let's save the taxpayers some money by leaving private business in the private sector.

PLEASE, LETS NOT OVERGOVERN THE PEOPLE ANYMORE!

Thank-you for your time on this matter, those of us interested in the earth sciences across the state will appreciate the committee saying no to this needless legislation.

Sincerely,



David M. Tanking
Commercial Collector

PROPOSITION TO BILL 2341

Ladies and Gentlemen of the Committee:

I became interest in fossils at a young age. I consider my fossil collecting a hobby. I'm not an expert. I've never collected fossils on land where I didn't have permission to do so. The landowner was always informed of what I was doing, hunting and collecting fossils. They never asked to be payed for the fossils I removed.

I am against House Bill 2341 for a number of reasons. First, its a waste of taxpayers money. To spend time on this subject is overgovernment. The Bill does nothing more than rewrite trespassing laws. There is no need to interfere with a legal activity that takes place on private ground, when permission is properly obtained. Lets leave any financial agreements up to the landowner and collector.

House Bill 2341 does more than overgovern, it discourages education in the Earth Sciences at all levels from grade school on up. It discourages people who just want to study Kansas history and enjoy the outdoors. Examples of groups that would be harmed are 4-H clubs and student field trips. Why should there be a Bill that would discourage young people from being exposed to the Geology and Paleontology fields? Also hindered would be Colleges and Universities who have collected thousands of specimens over the past 100 years. There are fossils from Kansas that have been studied, sold and donated to museums all over the world.

House Bill 2341 makes a criminal of anybody who sells a fossil without documentation. I seriously doubt that there are any landowners who are going to spend their time authorizing in writing the removal of every single fossil collected after they already gave a person permission to collect. An example is if a 4th grade student sells a fossiled shark's tooth found on a field trip to a friend for 25¢. He is committing a misdemeanor according to House Bill 2341.

I believe you must have permission from a landowner before you do anything on his land. Bust let's not overgovern the people, discourage an Educational interest and discourage the enjoyment of the Kansas outdoors. Thank-you.

Jeffrey P. Tanking

Jeffrey P. Tanking

LAWRENCE KS

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