

Approved January 31, 1990
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 ~~xxx~~ p.m. on January 30, 1990 in room 526-S of the Capitol.

All members were present except:
Representative Grotewiel (Excused)

Committee staff present:
Raney Gilliland, Principal Analyst, Legislative Research
Pat Mah, Legislative Research
Mary Torrence, Revisor of Statutes' Office
Maggie French, Committee Secretary

Conferees appearing before the committee:
David M. Traster, Assistant Secretary and General Counsel, Kansas Department of Health and Environment
Karl Mueldener, Director, Bureau of Water, Kansas Department of Health and Environment
Charlene A. Stinard, Program Director, Kansas Natural Resource Council
Representative Carl D. Holmes, 125th District
Darrel Montei, Special Assistant, Department of Wildlife and Parks
Robert L. Meinen, Secretary, Kansas Department of Wildlife and Parks
Ken Corbet, Ravenwood Hunting Preserve, Topeka, Kansas

Chairman Dennis Spaniol called the meeting to order.

Representative Harold Guldner, 122nd District, outlined his proposal to do away with the sales tax on the fee portion of the water plan and moved to introduce this bill. Motion seconded by Representative Shore and passed. The chairman stated hearings will be held on the bill.

Chairman Spaniol introduced a bill pertaining to third-party liability in underground tanks proposing consideration of a state assigned-risk plan, creating a new fund and providing for availability of insurance. Representative McClure moved to accept introduction of this bill. Motion seconded by Representative Holmes. Motion passed.

David M. Traster, Assistant Secretary and General Counsel, Kansas Department of Health and Environment, was recognized by Chairman Spaniol. He testified as a proponent on House Bill No. 2694 relating to enforcement of water pollution control statutes (Attachment 1). Discussion followed. Representative Patrick requested the committee be provided with a copy of the Federal Regulation titled Requirements for Enforcement Authority, Section 123.27D, relating to rights of groups to intervene.

Karl Mueldener, Director, Bureau of Water, Kansas Department of Health and Environment, continued the testimony on House Bill No. 2694. Representative Freeman requested Mr. Mueldener to contact EPA to learn the number of states dealing with compliance or non-compliance such as the State of Kansas is facing. Discussion continued.

Charlene A. Stinard, Program Director, Kansas Natural Resource Council, testified in favor of House Bill No. 2694 (Attachment 2). Discussion followed with Ms. Stinard and Mr. Mueldener responding to questions from the committee.

Chairman Spaniol concluded hearings on House Bill 2694.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 ~~a.m.~~/p.m. on January 30, 1990

Vice-Chairman Holmes was recognized by the chairman and proceeded to present his testimony on House Bill No. 2707 pertaining to controlled shooting areas, outlining proposed changes in the bill (Attachment 3). Discussion followed.

Darrel Montei, Special Assistant, Kansas Department of Wildlife and Parks, indicated his department supports House Bill No. 2707 as written and provided testimony (Attachment 4). Discussion continued.

Chairman Spaniol recognized Ken Corbet, Ravenwood Hunting Preserve, Topeka, Kansas. Mr. Corbet outlined four areas of concern in his testimony relative to House Bill No. 2707 (Attachment 5). The chairman requested comments from Secretary Robert L. Meinen, Kansas Department of Wildlife and Parks, and requested that Secretary Meinen summarize his concerns in writing for the committee.

Hearings on House Bill No. 2707 were concluded by the chairman.

The meeting adjourned at 5:35 p.m.

Date: 1-30-90

GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

NAME	ORGANIZATION	ADDRESS	PHONE
Lee Eisenhauer	KLPGA	Topeka	354-1749
Robert Anderson	NRIP Cont Director	St Paul	242-1934
Bill Fuller	Kansas Farm Bureau	Manhattan	587-6110
Jim Ludwig	KPL	Topeka	296-7915
G. Hulet	Governor's Office	Topeka	296-6240
Larry Kelsey	Kan. Assn. W.H.T. Growers	Wysse	356-5559
Janet Stubbbs	WBAK	Topeka	233-9853
Heather Higgins	KNRC - intern.	Lawrence - KU	749-2817
Wendy Pellow	Rep. Lynch - intern	LAWRENCE - KU	841-8365
Charla Bruner	none	Uniontown, Ks.	316-756-4442
William Parker	none	Clearwater, K.	316-584-6245
Eldon Blawille	none	Leoti, Ks	316-325-2638
Scott Andrews	Siesta Club - Kansas Chapter	Topeka	862-0739
KEVIN HIGGINS	KNRC - INTERN	LAWRENCE - K.U.	864-6699
Charlene Simard	KNRC	Topeka	533-6707
MIKE BEAM	Ks. LSTR. ASSN.	TOPEKA	273-5115
Ken Corbet	RAVENWOOD Hunting Per	✓	775-6400
Karl Muederer	KDME	Topeka	296-5500
Dave Traiter	"	"	
Danell Monti	K.D.W. & P.	TOPEKA	



State of Kansas

Mike Hayden, Governor

Department of Health and Environment Office of the Secretary

Stanley C. Grant, Ph.D., Secretary

Landon State Office Bldg., Topeka, KS 66612-1290

(913) 296-1522
FAX (913) 296-6231

Testimony Presented to
House Energy and Natural Resources Committee

by
The Kansas Department of Health and Environment
House Bill No. 2694

This bill would amend K.S.A. 65-170e relating to enforcement of water pollution control statutes. The intent of the bill is to assure state statutes meet certain minimum requirements of the federal government for Kansas to continue to administer the federal water pollution control program.

In 1972, the federal Clean Water Act was significantly amended. After the 1972 amendments, the Kansas water pollution control program was accepted by EPA to administer the federal program for the issuance of wastewater discharge permits and the general water pollution control program for Kansas. Amendments to the federal law have been made on four different occasions since 1972. State statutes dealing with the water pollution control program have been slightly modified as a result of the federal changes. In 1985, EPA performed an in-depth audit of the Kansas water pollution control program, including state regulations and statutes on which the Kansas program is based. EPA presented KDHE a lengthy evaluation of the state water pollution control permit program. For several years, the Department negotiated various issues raised by EPA and most were resolved. Regulation changes to the wastewater permit program were implemented. Statutory changes were also made and ultimately a series of five questions were submitted to the Kansas Attorney General for his opinion concerning the adequacy of Kansas statutes.

The intent of House Bill 2694 is to allow "any person having an interest which is or may be affected" the right to intervene in certain administrative actions brought by the Secretary. In those administrative actions, intervention would occur after an order is issued by the Secretary. If the order is appealed, a hearing officer is appointed, a hearing is scheduled, and affected parties can present their cases at that time. As the law now stands, an affected party's involvement in these actions is allowed by permission of the hearing officer in administrative hearings under certain of these statutes, but not all.

*H ENERGY AND NR
1-30-90
ATTACHMENT 1*

Charles Konigsberg, Jr., M.D., M.P.H.,
Director of Health
(913) 296-1343

James Power, P.E.,
Director of Environment
(913) 296-1535

Lorne Phillips, Ph.D.,
Director of Information
Systems
(913) 296-1415

Roger Carlson, Ph.D.,
Director of the Kansas Health
and Environmental Laboratory
(913) 296-1619

Since the last session of the Legislature, the Kansas Natural Resource Council has filed a petition with EPA Administrator William K. Reilly to withdraw administration of the Kansas wastewater program from state control. In order to forestall action by EPA to withdraw the water pollution control permit program, the Department recommends passage of House Bill 2694.

Testimony presented by:

David M. Traster
Assistant Secretary and General Counsel
Kansas Department of Health and Environment
January 30, 1990

Kansas Natural Resource Council

Testimony before the House Energy and Natural Resources Committee

HB 2694: administrative actions, public water supply systems

Charlene A. Stinard, Program Director, Kansas Natural Resource Council

January 30, 1990

My name is Charlene Stinard, and I represent the Kansas Natural Resource Council, a private, non-profit research and education organization whose 800 members promote sustainable natural resource policies for the state of Kansas. I have been asked to speak as well on behalf of the other members of the Kansas Environmental Lobby Caucus: the Kansas Audubon Council, the Kansas Rural Center, the Kansas Wildlife Federation, the League of Women Voters of Kansas, and the Sierra Club of Kansas.

I am pleased to appear as a proponent of HB 2694.

The Kansas Department of Health and Environment brought forward the proposal for HB 2694 in order to bring the state into compliance with federal clean water laws. This bill enables affected Kansans to participate in KDHE's administrative actions against pollution discharge violators.

For three years, state legislative and administrative efforts have failed to allow Kansas citizens affected by pollution violations to intervene, as the Clean Water Act requires. KNRC considers the lack so significant that we petitioned the US Environmental Protection Agency to take over authority for the National Pollutant Discharge Elimination System program in Kansas.

Citizen participation is not only a democratic ideal, but also an important part of the Kansas tradition of populist governance, seen in our citizen Legislature and a variety of prestigious citizen advisory boards, panels, and commissions. Good public policy also provides a structure for public intervention into the closed loop of regulators and their regulated community.

Our members strongly urge your support of HB 2694, fulfilling the requirements of both federal law and sound public policy.



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1-30-90

ATTACHMENT 2

Testimony Regarding HB 2707

Mr. Chairman and Members of the House Energy & Natural Resources Committee

January 30, 1990

House Bill 2707 only pertains to controlled shooting areas. This does not address issues concerning recreational access or fee hunting areas. The peanut of HB 2707 has two kernels. The first change, which is needed for counties who have used their total acreage, would increase the percent of acreage allowed per county from 1% to 2%. The second change would reduce the minimum acreage for a controlled shooting area from 320 acres to 160 acres. The bill has no other changes from current law. When this committee discussed the codification of Wildlife and Parks last year, these changes were discussed and I recommended no change be made as these are policy changes and should be discussed at a later time.

A brief description should be made between fee hunting areas and controlled shooting areas. Fee hunting areas are simply areas of privately owned land which the landowner charges a fee for hunting and all laws pertaining to seasons, bag limits, licenses, and other factors are set by the Wildlife and Parks Commission. Controlled shooting areas are also fee hunting areas, but come under state regulation including a license fee to the state. The state allows an extended hunting season, requires replacement of all regulated animals killed, inspects the areas

H ENERGY AND NR
1-30-90
ATTACHMENT 3

under consideration before a license is granted, requires proof of ownership or lease for a five year period, and does not have restrictions on bag limits, etc. on the regulated animals.

With this information, I have enclosed some background materials. The news article from the Hutchinson News contains information in the left hand column pertaining to fee hunting and describes a meeting sponsored by the Area Extension Development Specialist discussing fee hunting with farmers. Several letters are enclosed concerning controlled shooting areas. Important points include: 1. Some counties are "booked up" on their acreage allotments; 2. Requests are being denied for additional controlled shooting areas; 3. Related parties are controlling large blocks of land in some counties; 4. Secretary Bob Meinen's entire letter of December 13, 1989 to me; 5. The January, 1990 issue of "Kansas Country Living" presents an excellent background paper on the subject of "put and take" hunting and related economic development.

Discussions with hunters and parties interested in controlled shooting areas are very positive. Stories include extra income for the landowner and tenants, increased pheasant numbers on adjacent property in Southwest Kansas, increases in tourist dollars from hunters, increased airport usage by fly-in hunters, construction of gamebird raising farms and their money flowing into the communities, and increased tax revenue to the local units of government and the state.

Rep. Carl D. Holmes

DATE: _____

Wed.

1-17-90

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|---|---|---|
| <input type="checkbox"/> TOPEKA CAPITAL-JOURNAL | <input type="checkbox"/> GARDEN CITY TELEGRAM | <input type="checkbox"/> OLATHE DAILY NEWS |
| <input type="checkbox"/> WICHITA EAGLE | <input type="checkbox"/> HAYS DAILY NEWS | <input type="checkbox"/> PARSONS SUN |
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| <input type="checkbox"/> EMPORIA GAZETTE | <input type="checkbox"/> MANHATTAN MERCURY | <input type="checkbox"/> SALINA JOURNAL |
| | | <input type="checkbox"/> WINFIELD DAILY COURIER |

Hunting up new income

Want to double crop without using any soil moisture?

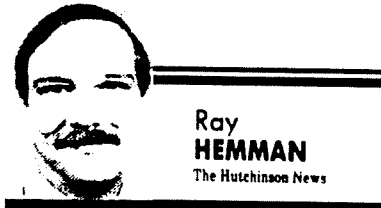
This second crop is unique. It takes a minimal amount of sunshine, likes cool weather and requires no rain. Harvest generally occurs in the fall after milo cutting. Management of the crop, however, is intensive.

The crop is fee hunting, a relatively new concept to parts of Kansas. For a fee, a landowner allows sportsmen to hunt on his land. Services provided by farmers vary from simply allowing hunters the right to hunt to fully guided hunts with country breakfasts and sack lunches.

At 7:30 p.m. Jan. 29, a meeting on fee hunting will be held at the Russell 4-H Building. Speakers at the meeting will be Merrill Nielsen, Lincoln County farmer/stockman, and Ken Albright, area extension development specialist. Nielsen will describe his experiences with leasing land for hunting while Albright will discuss the pros and cons of fee hunting.

Fee hunting should not be confused with the Kansas Department of Wildlife and Parks recreational access program. This pilot program will pay contracting farmers to allow Kansans access to their land for hunting, fishing or hiking.

The Russell County Extension Area Development Committee is pulling together a brochure that lists landowners who allow fee hunting. Landowners who want to be listed in the brochure should attend the meeting or contact the Russell County Extension office.



Ray
HEMMAN
The Hutchinson News



Cow-calf meeting set

The annual Kansas State University Cow-Calf seminar begins at 1 p.m. Tuesday at the Bicentennial Center in Salina. The event covers a wide range of topics from improving reproductive performance to the state of the Kansas cattle industry to laughter.

The final speaker of the event will be James "Doc" Blakely. Billed as one of the top 12 humorists in the United States, Blakely has traveled to Australia, New Zealand, Canada and throughout the U.S., delivering messages of inspiration and success. Blakely has titled his speech "The Gift of Laughter."

The conference, which includes a steak dinner, costs \$12 a person prior to Friday. A \$15 fee will be charged to individuals who register after Friday. To register, contact your local county extension office or call (913) 462-3971.

Seminar focuses

on key legislative issues

The 1990 Policy Focus Seminar is set for Monday and Tuesday at McPherson's Holiday Manor Con-

vention Center. Previously, this event was known as the bureau's policy implementation seminar.

After a 9:30 a.m. registration on Monday, bureau President Doyle Rahjes opens the conference with a speech titled "Challenges and Opportunities in 1990."

Following Rahjes' speech, three concurrent sessions will be conducted. A local affairs seminar features presentations by Dennis McKinney, Kiowa County Commissioner; Robert Haderlein, Kansas Association of School Boards; and Ernie Mosher, League of Kansas Municipalities.

A state affairs seminar includes speeches by Rep. Dennis Spaniol, R-Wichita; Sen. Jim Allen, R-Ottawa; and Bill Fuller, public affairs specialist for the bureau. The third session will focus on national issues.

At 3 p.m. Monday, Rep. Max Moomaw, R-Dighton, will join Rep. Joan Wagnon, D-Topeka, and Sen. Eric Yost, R-Wichita, during a discussion of key legislative issues in 1990.

Monday's activities conclude with a banquet that features presentations from House Speaker Jim Braden, R-Clay Center, and Senate minority leader Mike Johnston, D-Parsons.

On Tuesday, activities will focus on how members of the organization can best influence decisions in Topeka and Washington, D.C., and features public affairs staff members from bureaus in Kansas and other states. The meeting is set to adjourn by 11:40 a.m.

DATE: _____

Jules. 1-16-90

Guest Editorial

- | | |
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| | <input type="checkbox"/> WINFIELD DAILY COURIER |

A Chinaman's Chance

Since it is apparent that former Governor John Carlin is going to seek the governorship of Kansas, we thought it might be interesting to recall some of the results of gubernatorial elections in this state.

In the first place, Carlin now is from Topeka. Only one candidate in our state's long history — Arthur Capper — has ever been elected from Topeka.

What are the possibilities of Carlin recapturing the governor's chair?

We feel certain he knows this, and who are we to say he can't win, but never in the history of our state has a former governor been re-elected to head the state after he left the Statehouse.

One governor, John St. John, from Olathe, ran for the office six times and three governors ran for the office four times. They were Harry H. Woodring, George C. Docking and Robert F. Docking. Woodring was only elected once. George Docking was elected twice and his son was elected to four terms.

Woodring, from Neodesha, lost out to Frank Carlson, Concordia Republican, in 1946, when Woodring tried for the post the third time, and then he lost again in the 1956 primary to George C. Docking.

Woodring was elected governor in 1930, defeating both Frank Haucke, Council Grove, and the goat gland specialist, Dr. John R. Brinkley, from Milford. Thousands and thousands of ballots — most of which were marked for Brinkley — were thrown out in the election count.

Brinkley was an Independent and a write-in candidate in 1930. His name was on the ballots in 1932 and again in 1934, when he was defeated in the primary by Alfred Mossman Landon.

Landon, from Independence, unseated Woodring in 1932 when the former banker ran for re-election.

Both Woodring and Haucke were bachelors and both had been commanders of the Kansas Department of The American Legion.

Woodring, a Democrat, had been a strong supporter of Franklin D. Roosevelt, governor of New York, when Roosevelt challenged President Herbert Clark Hoover for re-election in 1932. Roosevelt rewarded Woodring by appointing him Assistant Secretary of the War Department. Later Woodring became Secretary of War in FDR's cabinet.

But war clouds were gathering over Europe and the Japanese were overrunning the Western Pacific, and Roosevelt, in the late 30s, wanted to prepare The United States to aid Great Britain, and, if need be, to defend itself and freedom against the onslaught of the Nazi warlords.

Woodring was proud that the War Department's budget was only 3 percent of the total national budget. He was too inflexible, and Roosevelt, with an eye to seeking a third term, wanted to build up the military and to enlarge his cabinet by bringing in two Republicans.

Roosevelt offered the post of Secretary of the Navy to Frank S. Knox, publisher of The Chicago Daily News and the vice-presidential candidate with Landon in the 1936 campaign.

Roosevelt wanted to give the War Department post to Landon.

But Landon, as the titular head of the Republican Party, was fearful that FDR was going to seek a third term, and he had to oppose this possible maneuver.

The President called Landon to Washington to discuss the matter, but Landon told news reporters that he was opposed to a third term for the President, and, although their meeting was friendly, Roosevelt never actually made the offer to Landon.

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OFFICE OF THE SECRETARY
900 Jackson St., Suite 502
Topeka, Kansas 66612-1220
913-296-2281

DEPARTMENT OF WILDLIFE & PARKS
MIKE HAYDEN, Governor
ROBERT L. MEINEN, Secretary
W. ALAN WENTZ, Assistant Secretary

December 18, 1989

Bruce L. Shannon
Shannon Energy Corporation
P.O. Box 6026
Liberal, Kansas 67901

Re: Controlled Shooting

Dear Bruce:


Thank you for your letter outlining issues surrounding controlled shooting laws.

Representative Carl Holmes has been in contact with me concerning the limitation on acreages. I have asked him to work with me if he was putting a legislative package together this next session.

As I told Carl in my letter, there needs to be some changes. Those changes should be conservative and reasonable. Within those limits, we are supportive of making some changes.

Thank you again for writing.

Sincerely,


Robert L. Meinen, Secretary
Kansas Dept. of Wildlife & Parks

RLM:wp

xc: Representative Carl Holmes

(316) 626-6017



P.O. Box 626
500 N. Lincoln St.
Liberal, Kansas 67901

December 13, 1989

Robert L. Meinen
Secretary Wildlife and Parks
900 Jackson, Ste 502
Topeka, KS 66612

RE: Controlled Shooting Areas

Dear Mr. Meinen:

As follow-up to our brief conversation regarding the subject matter during your recent visit to Liberal, I encourage you to look into the idea of increasing the state allowable for controlled shooting areas.

As you are aware, we are interested in obtaining a "Controlled Shooting Area" license in Haskell County, Kansas. Please be advised the acreage allowed for such areas is full and no licenses are being issued at this time.

Through the records inspection procedure we have obtained information on Haskell County from your office in Pratt, Kansas (copy attached). In a nut shell, no new licenses have been issued since 1988 and several have been denied since then. Also approximately 63% of the lands available are licensed to the same entity. This condition brings to mind a possible monopoly with respect to unfair business practices.

We would appreciate any assistance your department can lend the legislature in an agenda to increase the state allowable on this matter.

Thank you for your time and consideration on this issue and if you have any questions, please call our office.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Bruce L. Shannon', written in a cursive style.

Bruce L. Shannon



OPERATIONS OFFICE
RR 2, Box 54A
Pratt, Kansas 67124
316-672-5911

DEPARTMENT OF WILDLIFE & PARKS

MIKE HAYDEN, Governor
ROBERT L. MEINEN, Secretary
W. ALAN WENTZ, Assistant Secretary

November 28, 1989

Bruce Shannon
Box 6026
Liberal, KS 67905

Dear Mr. Brown: ?

As you requested through our records inspection procedure, enclosed is the information from the State of Kansas.

Thank you for your interest and request.

Sincerely,

Mike Theurer, Chief
Administrative Services

MT:mb

Encs.

cc: Richard R. Yoxall

- Names and addresses of all individuals and entities who currently hold licenses for controlled shooting areas in Haskell County.

Pheasant Galore	Jill Hibbard HCR 1 Box 14 D Sublette, KS 67877	New in 1988	
	2 areas 320 each total 640.		
	Risa Leonard (Lazy J Hunting Inc.) 702 Pursley Sublette, KS 67877	640 acres	land's name changed name
	Lazy J Hunting David Holloway Box 757 Sublette, KS. 67877	560 acres	1984
	Lazy J. Hunting INC Larry Leonard Box 757 Sublette, KS 67877	960 acres	1984
	Lazy J. Hunting INC Floyd J. Leonard Box 757 Sublette, KS 67877	320 acres	1984
	Mikelyn Holloway Box 757 Sublette, KS 67877	320 acres	1985
	Golden Prairie Hunt Serv. Jeff & Debbie White HCR, Box 89 B Sublette, KS 67877	480 acres	merged areas in 1987
		<u>3920</u>	

- Total acres in Haskell County 370,560

The manner of calculation or source of this information.

Statistics collected by the KS State Board of Agriculture

- Copy of the procedure for determining whether licenses should be granted. Specifically, I would like to know if, assuming that all the applications meet your requirements, licenses are granted on a first come, first serve basis. renewals are first. then if any open land, first come first serve basis
- Two was denied in 1988 since county was full, and all were renewed did not accept any new areas in 1989.



OFFICE OF THE SECRETARY
900 Jackson St., Suite 502
Topeka, Kansas 66612-1220
913-296-2281

DEPARTMENT OF WILDLIFE & PARKS
MIKE HAYDEN, Governor
ROBERT L. MEINEN, Secretary
W. ALAN WENTZ, Assistant Secretary

December 13, 1989

The Honorable Carl D. Holmes
State Representative, District 125
Box 2288
Liberal, Kansas 67905

Re: Controlled Shooting Areas

Dear Carl:

I received a carbon copy of a letter to you from Bruce Shannon concerning controlled shooting areas. As we discussed in Liberal, please involve me at an early stage in your process. The percent limit should be changed, but not drastically.

The original limitation was put in place for two very good reasons that are still valid today:

1. Limit the number of closed and leased lands in each county so the hunter that cannot afford to pay for controlled shooting areas may have access to nonleased lands.
2. Also it is very important that the businessmen who have already made substantial investment do not get financially ruined. If too many "get rich quick" people enter the market, the entire controlled shooting business community may be hurt by over supply. What will happen is a lot of people will not be making any money, and as such, not providing for quality opportunity. In the long run, this will hurt Kansas in two ways. First of all, the tourist, which we want to attract and bring back every year, will find elsewhere to go because of poor quality business and/or people going in and out of business so much. Second, on the resource side, my concern is a potential for resource abuse and overuse when things get stressed.

Representative Holmes
December 13, 1989
Page 2

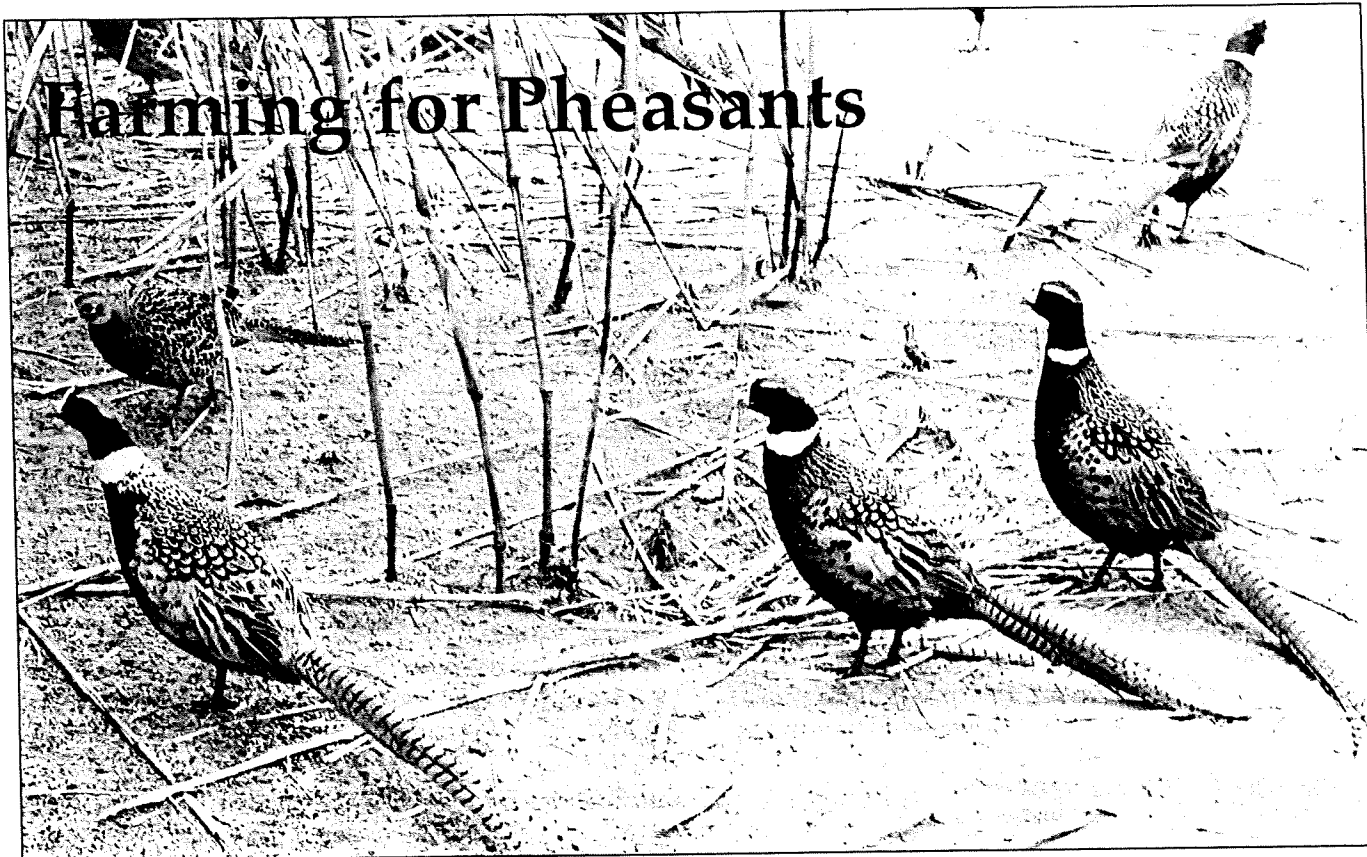
My advice is a conservative, slow-and-easy approach with gradual change. Please let me know what you are thinking.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert L. Meinen". The signature is written in dark ink and is positioned above the typed name.

Robert L. Meinen, Secretary
Kansas Dept. of Wildlife & Parks

RLM:wp



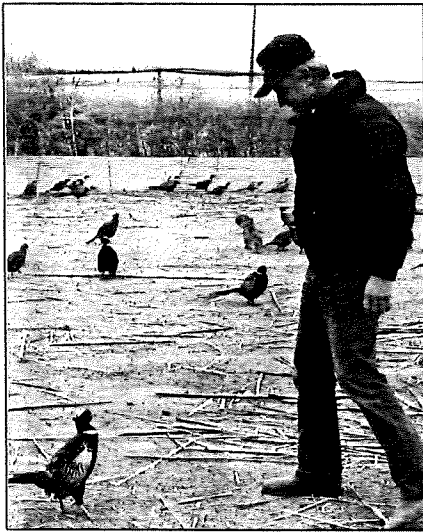
Contrary to what a lot of people will tell you, it really is still possible for *the little guy* to start up his own business and make a go of it. But you've got to have a strong will and be willing to work hard, long hours every day of the week."

That's just what Bob Husband, a farmer near the small southwest Kansas town of Pierceville, will tell you. And he should know. Three years ago he and a neighbor, Vern Beavers, were sitting around the kitchen table on Thanksgiving Day talking about a nearby hunting preserve that had just received a shipment of 12,000 pheasants from Wisconsin.

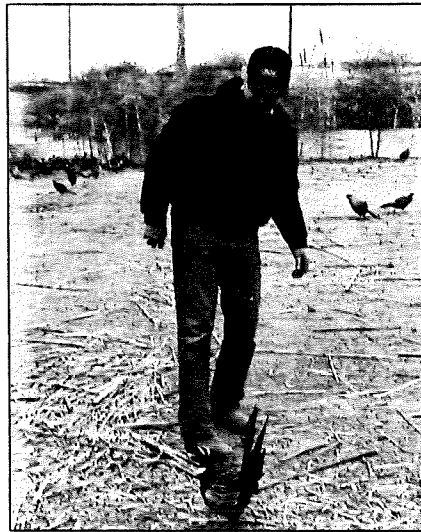
"We were thinking that Wisconsin is sure a long way to go to get pheasants for hunting in Kansas. That's when we came up with the idea of raising our own pheasants to sell to game preserves," Husband remembered.

After a lot of research, planning and talking to owners of game preserves in both Kansas and Colorado, the two men formed the

One Angry Pheasant . . .



Bob Husband shows how a rooster pheasant will defend his territory. At left, the rooster makes a clucking sound to indicate Husband is moving



into the bird's territory. As Husband moves closer, the pheasant attacks, with beak and leg spurs flying.



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"Ring Neck Hunting Club" in April of 1988. They raised 7,000 Chinese Mongolian Blueback pheasants that first year and were so successful at it that this year they more than tripled their crop to 23,700 birds. And virtually all the birds raised this year were sold to hunting preserves by contract prior to being raised on the farm.

"That's the only way to do it and make a profit," Husband said. "We don't put the time and money into raising birds unless we know we've got them sold."

A member of Victory Electric Cooperative Assn., Inc., Dodge City, Husband has farmed in the Pierceville area for a number of years. Beginning with only a small amount of land, his farming operation has grown to 2,500 acres of irrigated alfalfa, corn and wheat. He and his wife Kathy have two children--Steve, 15, and Jenny, 13.

"I've always wanted a business that is not related to my farming operation--something that would be profitable in a year when farming might not be," Husband said.

"There are lots of opportunities out there for a person who

wants to start his own business. But it takes real dedication, time and energy to do it. Look around you and come up with ideas, then thoroughly research your ideas before you jump into a business. That's how I picked the business I did, but raising pheasants is not something most people would want to try. It's very hard work. I had an advantage in that my partner had previous experience in raising game birds," he said.

"WHEN I FIRST decided to get into the business, a lot of people around here really razzed me. But I was determined to be successful at it. Now I've opened a lot of eyes."

Husband said he has virtually no free time to himself in running both his farming and pheasant operations. But that's the way he likes it.

"People really tend to get in a rut. They go to work for eight hours, come home and relax, watch TV and go to bed. They do this day after day. When I'm not farming, I'm working on my pheasant operation. If it's night time, I'll be doing book work or talking on the phone to customers. You really

have to push yourself all the time to be successful in a second business.

"My pheasant operation is very labor intense -- a lot of manual labor is required. You have to keep on top of it. I check on the birds at least three times a day, seven days a week," he said.

In fact his pheasant operation has become so successful and so large that he has added a full time employee to help out. In addition to the time and work Husband puts

'My number one commitment is quality. I don't cut corners on anything and my customers know this. That's why my business continues to grow.'

Bob Husband

in every day, the employee works an average of 45 hours per week. And during the summer months Husband may have as many as 10 employees working for him.

"My flypens are 300 feet by 100 feet. Every day we walk a minimum of a quarter of a mile in each flypen to check on the birds and to make sure we pick up any dead ones. I have 15 flypens so that is a lot of walking. Then there is the time it takes to feed all the birds. We put out 25,000 pounds of feed per week. Each bird will eat 20 pounds of feed in 20 weeks," he said.

Husband explained that feed is very important to a successful operation. "Pheasants will peck and fight each other if they do not receive the proper amount of protein in their diet. If this happens you get injured birds and birds with damaged feathers. I feed a special 28 percent protein ration to all my baby chicks for the first six weeks, then I decrease the protein content to 24 percent until the

chicks reach 20 weeks of age. After that it is 14 percent protein. The feed is expensive -- 13 to 14 cents a pound. But that is where a lot of people fail. They try to cut corners to save money. You can't do that.

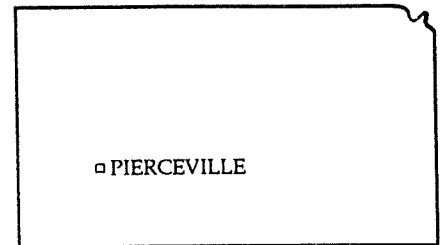
"My number one commitment is quality. I don't cut corners on anything and my customers know this. That's why my business continues to grow. My customers know that my pheasants will perform well and that their feather quality is the best.

"I don't ship birds any further than 400 miles. You just don't have any problems delivering quality birds if you stay under the 400 mile range," Husband said.

Among Husband's customers are the Lazy J Hunting Preserve of Sublette and Eagle's Nest Hunting Preserve of Greeley, CO. "Brett Axton, president of the National Hunting and Fishing Assn., is the owner of the Eagle's Nest Hunting Preserve and he has told me to use

him for a reference because he thinks my birds are the best. And I know the reason I got the Lazy J business is because of the reputation I've established for delivering quality birds," he said.

AT FIVE WEEKS of age, Husband places "peepers" on all his pheasants. These are specially designed blinders that attach to each pheasant's beak. The peepers keep



the pheasants from seeing straight ahead. This helps eliminate any



Peepers are placed on the beaks of all pheasants at age five weeks to prevent the birds from pecking and fighting each other. The specially made blinders keep the pheasants from seeing straight ahead, making a fight with another bird extremely difficult. The peepers are removed at 20 weeks of age when the pheasants are transported to hunting preserves in the area.

pecking problems that might otherwise occur. Before the birds are shipped to game preserves the peepers are removed.

Husband tries to make the surroundings in his flypens as close as possible to those pheasants encounter in the wild. Kochia weed, a native Kansas weed, provides tall cover in the flypens and 10-foot high netting covering all the pens provides enough height for the pheasants to fly the length of the 300-foot-long pens.

The biggest fear for Husband is

disease. Insurance will cover everything except death by disease or natural causes.

What Husband fears the most is Blackhead Disease. And he noted that nightcrawlers are the biggest carriers of diseases affecting pheasants. But since nightcrawlers are almost non-existent in the sandy, dry southwest Kansas soil, a natural barrier against disease exists for the birds.

Besides providing a natural surrounding for the birds, it is important to keep humans and dogs away from them as much as possible so they don't become accustomed to them when they are turned loose on a hunting preserve.

"Hunting would not be very enjoyable if the birds were not afraid of you or your dog," Husband explained. "It's important that they have the same fears as a wild pheasant has," he noted.

Husband begins receiving one-day-old chicks from a Texas hatchery on April 15 and continues to receive new shipments on a regular basis throughout the summer.

"Imprinting your birds is important," he said. "The first two days you don't go near them. This is the time they will relate most to their mother and if they see people they will think they are their mother and not develop a fear of them. This is a very vital time for the chicks. Water, feed, temperature and the time in transporting them from the hatchery to my brooding house are very important considerations. The chicks must not be stressed. They are generally less than 11 hours old when I put them in my brooding house."

THE SELLING season for Husband's pheasants begins in September and runs through March. This year Husband and Beavers raised 11,000 Chukar and Hungarian partridge. The partridge are similar to quail and are used by a number of hunting preserves.

Since the partridge operation is becoming successful, Husband and Beavers have decided to split up their partnership after this year. Husband will continue with the pheasant operation and Beavers will concentrate more on the partridge business.

Husband pointed out the economic benefits his business brings to the area he serves. "It's hard to say exactly how much money the pheasants bring into the area, but it is a significant amount. By the time you figure the cost of feed, labor, shipping and things like that it can really begin to add up. Then when the birds get to the preserve, there is the money the hunters spend on motels, gasoline, ammunition, etc. Most preserves charge about \$35 a pheasant so it doesn't take long for a single bird to bring \$80 or more into the community," he said.

Persons interested in contacting the Ring Neck Hunting Club may reach Bob Husband at 11565 E. Plymell Rd., Pierceville, KS. 67868. Telephone (316) 335-5522.

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H.B. 2707

Testimony Provided to Senate Energy and Natural Resources

January 30, 1990

Prepared by Kansas Department of Wildlife and Parks

H.B. 2707 addresses Controlled Shooting Areas and would perform two amendments to current statutes. The maximum allowable acreages for Controlled Shooting Areas in any one county would be increased from 1% to 2%. The minimum acreage for a Controlled Shooting Area would be decreased from 320 acres to 160 acres.

There are 70 C.S.A.'s in Kansas and three counties have reached the 1% maximum (Elk, Haskell and Seward). There is an increasing number of people interested in establishing C.S.A.'s, particularly in western Kansas. Expanding the 1% limitation to 2% will allow a few more people to participate.

Decreasing the minimum acreage from 320 acres to 160 acres would likely allow a few more people to become C.S.A. operators. We would have a concern if the minimum acreage requirement was too small, but 160 acres is probably adequate for C.S.A. operation.

The Department supports H.B. 2707.

H ENERGY AND NR
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ATTACHMENT 4

I would appreciate your consideration in reviewing the current Laws and Regulations governing controlled shooting areas. Areas to be addressed are:

1. Reducing and/or eliminating Acreage Requirements to be more in line and competitive with our four neighboring states. Recommend and support 80 acres min./1280 max. or remove the word "CONTIGIOUS".

2. Reducing the Controlled Shooting Area Permit fee from \$200.00 per year to \$100.00 per year to be more in line and competitive with our four neighboring states.

3. Increasing the Season Dates from September 1 - March 31st to a year-round season. This would be in line with three of our neighboring states and allow us to be competitive within this activity.

4. Reducing and/or eliminating the leasing requirements or at least coincide with the length of the controlled area permit. This would be in line with three of our neighboring states.

32-313 Acreage Requirement/Permit Fees

I believe that a review and updating of these requirements is needed that reflects the current times, condition of farmers, landowners, sportsmen and neighboring states which are involved with Controlled Shooting Area. Listed below are a few examples of how unfair, outdated and how non-competitive some of the Rules and Regulations are in Kansas compared to those in our neighboring states who are providing the same activities.

In an overview of these facts it shows the following:

	<u>KANSAS</u>	<u>COLORADO</u>	<u>MISSOURI</u>	<u>OKLAHOMA</u>	<u>NEBRASKA</u>
Permit Fee	\$ 200	\$100	\$100	\$ 100	\$100
Acreage Requirement	320/1280	None	160/640	None	120/1280
Season Length	6 months	12 mo.	12 mo.	12 mo.	6 months

Colorado has "No" minimum or maximum on acreage requirements. Also their season dates are not as confining as Kansas. Their season dates are open year

*H ENERGY AND NR
1-30-90
ATTACHMENT 5*

round. Their annual Permit fee is \$100.00. Here again they are offering a 12 month season for Permit fee of \$100.00 whereas Kansas offers a 6 month season for \$200.00.

Missouri has acreage requirements. 160 acres minimum, and 640 maximum. Kansas acreage requirements are 320 acres minimum and 1,280 acres maximum. Once again Kansas acreage requirements are twice as restrictive as Missouri's. Their open season dates are year-round. Their annual permit fee is \$100.00. Exactly the same as Colorado.

Oklahoma has "No" minimum or maximum on acreage requirements. Also their season dates are not as confining as Kansas. Their season dates are open year round. Their annual permit fee is \$100. Here again they are offering a 12 month season for a permit fee of \$100 whereas Kansas offers a 6 month season for \$200.

Nebraska has acreage requirements. 120 acres minimum and a maximum of 1,280 acres. Their open season dates are from September 1 - March 31st. Their annual permit fee is \$100.00. Exactly the same as Colorado and Missouri.

The question I have is how can we compete with our neighboring state when we are so overly restricted? The argument for a year-round season is very clear. Since all 3 of our neighboring states have a 12 month open season there must be a sportsman demand for the service. Secondly all of our operating expenses are based on a 12 month or year-round time frame. Your farm, leases, taxes, utilities, advertising, farm and non-farm equipment etc., etc., are all based on year round payments and not 6 months. It's unrealistic to buy and lease farm ground, tractors, trucks, erect barns, sheds and holding pens, pay for advertising and only be allowed to be open for business for 6 months a year. As you can see Kansas is charging twice as much for a Permit fee and allowing only half as long to use it compared to 3 of our neighboring states.

If Kansas still feels it needs an acreage requirement I could support the following. A minimum of 80 acres with a maximum of 1280 contiguous. Or remove the word contiguous. To support this argument I ask you to look at the current cost of land, and it becomes almost impossible to purchase 320 acres especially if its contiguous. I also support this no minimum or reduced acreage requirements on the basis that with a stock and release program, where the habitat has been established previously for a controlled shooting area that bigger isn't necessarily better. As stated earlier all four neighboring states have lesser acreage requirements than Kansas and two of the four have "No" acreage requirements at all. Therefore since Kansas has already determined that 80 acres is the minimum acreage requirements for land owner big game permit (turkey, elk, deer), then why not allow 80 acres to become a minimum for a controlled shooting area and 1280 acres remain as the maximum? Further support for this issue is that Kansas is 98% privately owned. Every year there seems to be a greater pressure put upon what few Public Hunting Areas there are available. Also by updating the controlled shooting area laws and legislation you will be providing acres to some of the most fantastic hunting for not only the sportsmen of Kansas but for Sportsmen from throughout the entire United States. If Kansas was given a chance to compete evenly with reduced Permit fees, limited or reduced acreage requirements, and a year-round (12 month) season like three of our neighboring states already enjoy, just think of the economic and tourism boost it would provide to our states economy, especially to our rural areas. Wouldn't it be more cost productive to allow for enhancement of Controlled Shooting areas than for the state to establish and maintain new and additional Public Hunting facilities?

23-9-2 (c) Controlled Shooting Area Regulations

This issue deals primarily with a regulation requiring proof of ownership or lease for a five year period. Three of our neighboring states have "NO"

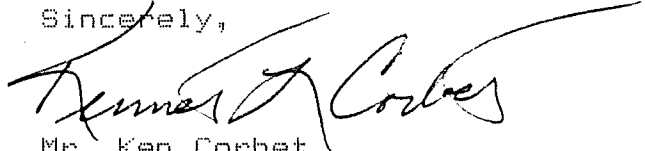
leasing requirements. This five year lease requirement I believe is outdated and totally restrictive for the current times, conditions relating to farming, landowners, sportsmen and our neighboring states. In todays world farmers and landowners are subjected to constant policy changes from all segments of government. This makes it almost impossible for most farmers too look you in the eye and tell you if he'll still be farming in five years. As stated earlier, in Kansas the Permit Fee for a Controlled Shooting Area is good for one year and open season dates are only good for 6 months. This means that under current regulations your permit is good for 12 months and you are only permitted to have an income for 6 months. Therefore I feel that requiring a lease for five times longer than the permit is issued is restrictive, ridiculous if not somewhat illegal. It seems logical to me to have your yearly permit fee to coincide with your land lease regulation. By doing this I believe it would be easier to administer and much more realistic for the farming environment in which both the lessor and lessee must function.

In closing I would appreciate your review of the Laws and Regulations governing Controlled Shooting Areas. By eliminating and/or reducing the acreage requirements to a minimum of 80 acres. By increasing the season dates from 6 months to year-round. By eliminating and/or reducing the lease requirement to coincide to length of the Permit and by reducing the annual permit fee for controlled shooting area to be more in line with our four neighboring states will allow Kansas to compete equally with our neighbors. Kansas has some of the finest hunting in the United States It is one of our natural resources. By making these minor changes for the Controlled Shooting Areas you will be giving a giant boost for economic development and tourism throughout the entire state. I feel that each and every suggestion made will be for the enrichment of the agency, of farmers, sportsmen, and above all the

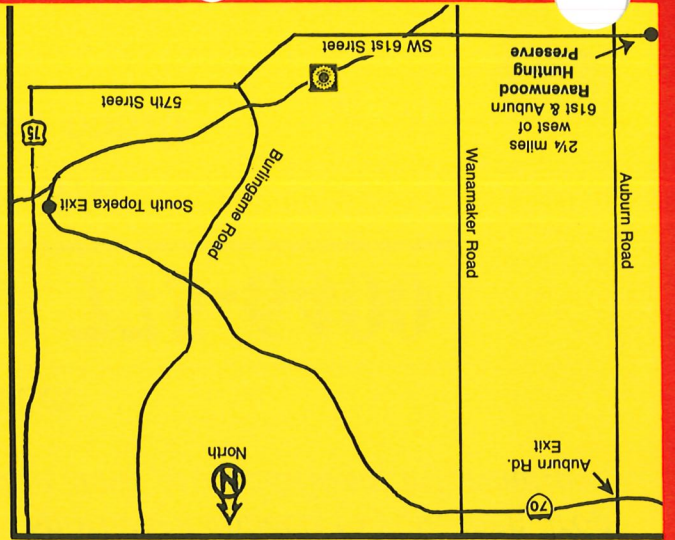
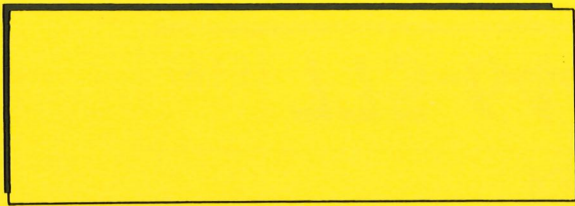
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resouce itself. By making these minor changes more farmers could see a financial payback for establishing and maintaining good wildlife habitat. The sportsman could experience a quality and enjoyable outdoor experience where there would be abundant game. And lastly the State of Kansas could greatly increase its access to thousands and thousands of prime wildlife habitat at virtually "NO" cost to the tax payers or sportsman.

Sincerely,



Mr. Ken Corbet
10351 SW 61st
Topeka, Kansas 66610
913-775-6400



(913) 775-6444 / 775-6400

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