

Approved: 3-17-98
Date

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Vice-Chairperson Joann Freeborn at 3:30 p.m. on February 18, 1998 in Room 526-S of the Capitol.

All members were present except: Rep. Steve Lloyd - excused
Rep. Kent Glasscock - excused

Committee staff present: Raney Gilliland, Legislative Research Department
Mary Torrence, Revisor of Statutes
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Lance Burr, Friends of the Kaw, 16 E. 13th Street, Lawrence, KS 66044
Charles Benjamin, Natural Resource Council and Sierra Club-KS Chapter, 935 S. Kansas Ave., Topeka, KS 66612
Dave Murphy, Kansas Canoe Association, P.O. Box 328, Shawnee Mission, KS 66201
Clint Riley, Department of Wildlife and Parks, 900 SW Jackson, Suite 502, Topeka, KS 66612-1220
Edward Moses, KS River Sand Producers, 800 SW Jackson, #1408, Topeka, KS 66612
Howard Parr, Landowner, 13630 NW Boyd Road, Rossville, KS 66533
Laird French, Landowner, 3324 NW Carlson Road, Rossville, KS 66533
David Stadler, Tri County Drainage District, 15348 NW 54th Street, Rossville, KS 66533
David Miller, Attorney, N. Topeka Drainage District, 201 NW Hwy 24, Topeka, KS 66608
Representative Greg Packer, District 51

Others attending: See attached list

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She announced that action may be taken on **HB2868** and **HB2881** in tomorrow's meeting, February 19, also a hearing on **SB476** and **SB477**. She called attention to testimony that had been distributed to committee members from Dick Carter, Jr., Travel Industry Association of Kansas, who had testified in the February 17 meeting, and submitted testimony today. She asked if anyone had a motion to approve minutes of January 27, 28, and 29 meetings.

Rep. David Huff made a motion to approve minutes of January 27, 28, and 29 meetings. Rep. Tom Sloan seconded the motion. Motion carried.

The Chairperson opened public hearing on **HB2925**.

HB2925: An act concerning the Kansas river; designating certain reaches to be used for certain purposes.

Raney Gilliland, Legislative Research Department, explained the bill. He supplied a map showing the Kansas river to help in his explanation. (See attachment 1)

The Chairperson recognized Rep. Laura McClure. She made a brief presentation, pointing out the designated areas for recreation and the areas for multi use along the Kansas river. (See attachment 1)

Chairperson Freeborn welcomed Lance W. Burr, President, Friends of the Kaw. He presented testimony in support of the bill. (See attachment 2) Friends of the Kaw's conclusion is that once sand dredges are removed from the river and into pit sites, and once adequate access points are provided, the Kansas economy will begin to see an unprecedented influx of millions of tourist dollars from a resource that will be available for hundreds of years to come.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 526-S Statehouse, at 3:30 p.m. on February 18, 1998.

Charles Benjamin, Kansas Natural Resource Council and Sierra Club, Kansas Chapter, appeared before the committee in support of the bill. (See attachment 3) He feels the bill is rightfully a compromise between those who want to use the Kansas river for sand and gravel dredging and those who want to use it for recreation. He suggest that it is also a compromise between humans and the various species who depend on the shallow mud flats, sand bars and other areas of the river for their survival. It is also a compromise between those of us living today with future generations of Kansas.

The Chairperson welcomed Dave Murphy, Kansas Canoe Association, to the committee. He appeared in support of the bill. Although he and the Kansas Canoe Association support the bill they grieve for the compromises they had to give up to get the sand dredging industry's agreement to support it. They also feel a great sense of victory for the river if this bill becomes law. (See attachment 4)

Clint Riley, Kansas Department of Wildlife and Parks, was welcomed to the committee. He made comments in behalf of the Department in support of the bill and feels the Kansas river is a natural resource that can be used for recreational purposes as well as sand dredging.

The Chairperson welcomed Edward Moses, Kansas Aggregate Producers Association. He provided testimony in support of the bill. If approved, it would establish multi-use segments in which river dredging operations could be conducted, they hope, without opposition from the Friends of the Kaw or the Kansas Canoe Association. The multi-use segments, as established in the bill, would allow for potential of three new permits under the U.S. Army Corps of Engineers. (See attachment 5)

Chairperson Freeborn welcomed Howard Parr, Landowner, Rossville, KS. Mr. Parr is a Shawnee county farmer-stockman and opposes the bill. He farms family property along the Kansas river and shared some of the adjacent landowners' problems with the River access bills. He feels boundary lines between state streams and private property should be addressed before implementation and agreed on by all impacted. He asked who will be held responsible for trespass enforcement and how will boundaries be marked and maintained. Also he believes having more access points will not take care of the problem and that when you increase the number of people you increase problems. (See attachment 6) He provided a Kansas River Recreation survey results for the committee to review. (See attachment 7)

The Chairperson welcomed Landowner, Laird French, Rossville, to the committee. He appeared in opposition to the bill. (See attachment 8) Mr. Laird has a farm next to the Kansas river and his home is within 1500 feet of one the proposed public recreation sites. He and his family have experienced problems with the public in the past, fences cut, loads of trash dumped, random shooting, trespassing, hunting and fishing on private property, threats of bodily harm to himself and livestock, abandoned vehicles, vandalism and robbery to his home. He also has concerns for the well being of the wildlife and the environment, and urges the committee to take all of this into consideration before making a decision on passing the bill.

David Stadler, Tri County Drainage District was welcomed to the committee. He provided testimony in opposition to the bill. (See attachment 9) Some of the concerns he addressed, should public access boat ramps arise are, who would be policing those ramps and facilities and county or township roads leading to them. Policing in effect would include maintaining them, picking up inevitable trash, dumping trash containers, and etc.

The Chairperson welcomed David Miller, Attorney, N. Topeka Drainage District. He provided testimony opposing the bill, (See attachment 10) and an attached letter explaining the annual budget for the N. Topeka Drainage District. He believes allowing vehicle access over the property of the drainage district would have a significant financial impact on their budget. When there is high water in the river this will cause silt to be deposited on ramps and on the roadways, which will have to be cleaned after the high water recedes. He believes the expenditures to clean the roads and boat ramps would need to be addressed by the committee.

The Chairperson welcomed Rep. Greg Packer. Rep. Packer spoke to the committee in opposition to the bill. Some of the concerned people are his constituents. He doesn't believe there are any easy solutions. He believes the landowners have a constitutional right to own and hold land and that other citizens have a constitutional right to canoe on the river. He feels the landowners should not have to bear the expense of someone abusing their land and wonders just who will pay for the damage. Questions and discussion followed.

Chairperson Freeborn thanked all of the conferees and guest for appearing and the committee for their attention.

The meeting adjourned at 4:55 p.m.

The next meeting is scheduled for February 19, 1998.

HOUSE ENVIRONMENT COMMITTEE COMMITTEE GUEST LIST

DATE: 2-18-98

NAME	REPRESENTING
Dale Sandberg	N. Topeka Drain. Dist.
Dennis G. Hall	Tri County Drainage Dist.
Leslie + Vensel	Tri County Drainage Dist
David R. Stedler	Tri-County Drainage Dist
Howard Parr	SN CO. LAND OWNER
Greg A. Packer	51st District
John White	Tri County Drainage Dist
Andrew Lewis	Kaw River Drainage Dist
Stan King	
Jean Barber	Drainage District
Leanne Senois	Lea County
Bernice French	Tri County Drainage Dist
Doug French	Tri-County of L. B. land owner
Mark Barcellona	KDOCAH
Colby + Matt Cain	Paw Valley Airbrakers
JOE HYDE	SELF
Woody Moses	Kansas Ag. Prod. Assoc.
Wendy M. Arms	KS Aggregate Producers Assn.
Terry Leatherman	KCCI

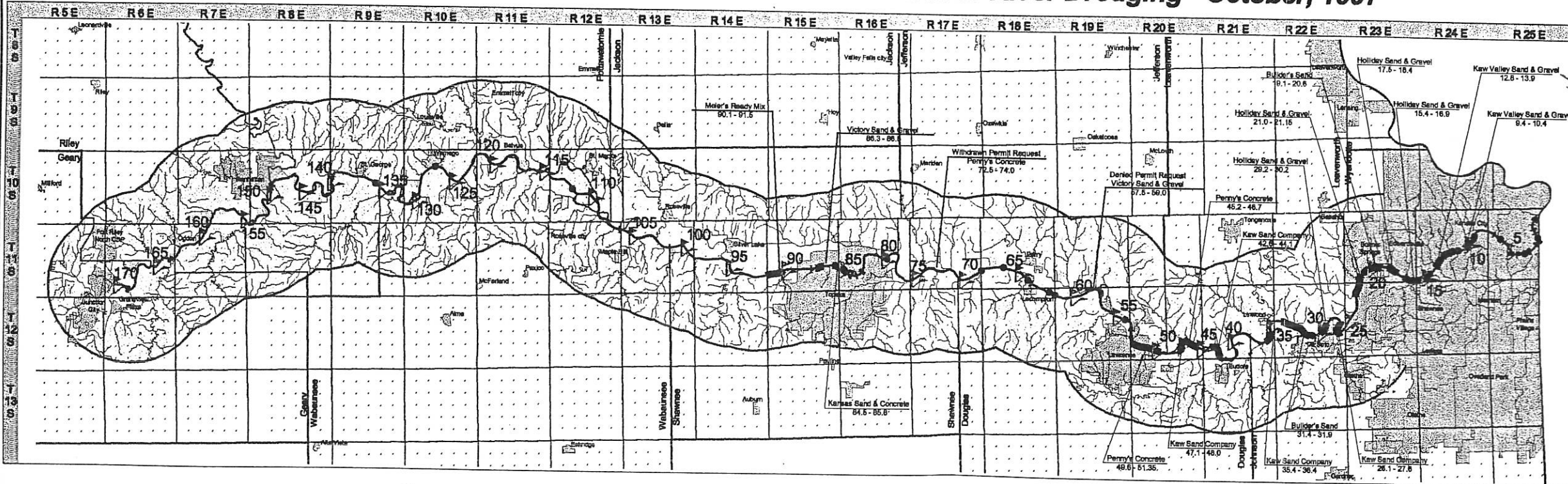
HOUSE ENVIRONMENT COMMITTEE COMMITTEE GUEST LIST

DATE: 2-18-98

NAME	REPRESENTING
HUGA DIDIER	MEIER'S READY MIX, TWC
DAN DECOURSEY	BUILDERS SANDCO.
William Penny	Penny's Concrete, Inc.
Lance W. BURR	Friends of the Kaw
Paul Luehki	Kansas Biological Survey
Dave Murphy	Kansas Cancer Association
Mike Calwell	Friends of the KAW
Jim Peterson	Victory Sand
Clint Riley	KDWP
Dave Hutchins	Western Resources
Cathy Tucker-Vogel	KS Water Office
Charles Benjamin	KS Natural Resource Council/KS Sierra Club
Dwight Jackson	N. Jayco Drain Dist
Land Francis	Jui Co Drainage Dist No 1
Phil Miller	Intern
David L Miller	North Topeka Drainage District

Kansas Geological Survey Kansas River Study

Kansas River Corridor - River Permits and Exclusion Zones to River Dredging - October, 1997

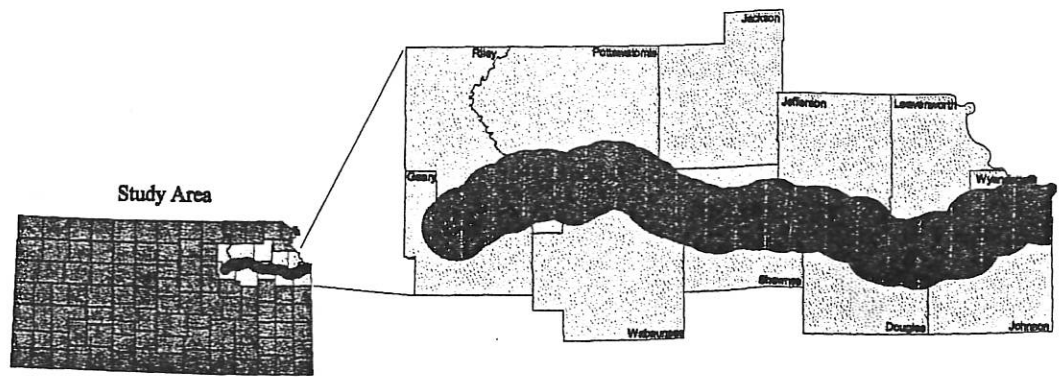


Primary Features:

- Streams and Rivers
- No Dredging Zone
- Sand Permit
- Withdrawn/Denied Permit Applications
- Pipeline Crossing
- River Mile Marker

Base Map Features:

- County Boundaries
- City boundaries
- Township boundaries
- Section corner points



Citation Information:

Base map information (County boundaries, City Boundaries, Township boundaries, Section Corner Points, and Hydrography) were obtained from the State of Kansas Data Access and Support Center (DASC) at the Kansas Geological Survey (KGS)

Permits, Restricted Areas, and River Mile Markers were extracted from other cartographic sources and digitized for use on the Kansas River Study.

Projection Information:

Lambert Conformal Conic (Clarke 1866)	
Central Meridian	-98 15 00
Reference Latitude	36 00 00
Standard Parallel 1	33 00 00
Standard Parallel 2	45 00 00

HOUSE ENVIRONMENT
 2-18-98
 ATTACHMENT 1

Chairman Freeborn and members of the House Environment Committee my name is Lance W. Burr and I live near the Kansas River North of Lawrence. I am President of Friends of the Kaw. We are a non-profit all volunteer organization seeking to improve the health of the Kansas River. Thank you for conducting this hearing concerning House Bill 2925.

During the past 6 years our goal has been:

1. To remove commercial sand dredging from the Kansas River to prevent further degradation of this beautiful Kansas resource;
2. To encourage the mining of sand from off-river pit sites;
3. To provide access to the Kansas River for Kansans and recreational tourists;
4. To encourage the improvement of the quality of water in the Kansas River; and
5. To protect those remaining stretches of the Kansas River that have not been damaged by sand dredging.

We have taken this action because:

1. The lower 52 miles of the Kansas River have been irreparably damaged by in-river sand dredging. This was the conclusion of the U.S. Army Corps of Engineers in their Environmental Impact Statement prepared in the 1980's.

"Problem Identification"

"Riverbed degradation (in the Kansas River) is the direct or primary adverse impact resulting from commercial dredging activities. Riverbed degradation creates an unstable river channel which results in secondary impacts such as bank erosion, channel widening, lowering of water surface elevations in the river channel, lowering of water table elevations adjacent to the river, alteration of aquatic and terrestrial habitat, and a reduction in the structural integrity of manmade structures."

(See Final Regulatory Report and Environmental Impact Statement of the U.S. Corps of Engineers, January 1990, p. 19.)

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Following the completion of the Environmental Impact Statement, the Corps concluded that all in-river sand dredging should cease because of the damage it has caused. The Corps said:

"Based on these findings, Kansas City District departed from its earlier tentative position to allow future limited dredging activities to occur on the Kansas River by proposing that all future dredging activities on the river should be terminated." (Emphasis added).

Also, the Corps felt there were adequate available sand deposits in the off-river flood plain to meet the needs of Kansas. Indeed, that is what the Corps' experts said.

"Paragraph 3 - The 1986 Burns and McDonnell flood plain sand and gravel report concludes that materials suitable for sustaining pit mining operations are generally available in the lower Kansas River's flood plain. (Although the Burns and McDonnell report does not address sand deposits in the flood plain upstream of Bowersock Dam, Kansas City District is aware that pit mining operations exist upstream of the dam, and therefore, assumes that suitable materials are generally available within the upper river's flood plain.)

Paragraph 4 - The 1986 Booker report concludes that commercial dredging operations currently working on the Kansas River could relocate to pits in the river's flood plain with minimal impact to the producer companies or to consumers." (Emphasis added).

Please note that the Kansas Geological Surveys has "identified (74) potentially profitable pit-dredging locations (off-river) in the Kansas River flood plain. See Executive Summary P.iii of The Kansas River Corridor-It's Geologic Setting, Land Use, Economic Geology and Hydrology Open-file report 98-2 of January 1998.

Also note that in the Lawrence area, there is a 78 acre track for sale in the flood plain with enough sand to supply Lawrence's needs for 31 years.

After facing intense pressure from the sand dredging industry the Corps reversed its position, and allowed in-river dredging at lower levels of extraction.

Members of Friends of the Kaw know the river by paddling its waters and camping on its sand beaches. We are also familiar with numerous scientific studies of our river. Here are our conclusions:

1. Dredging eliminates sandbars used for recreation.
2. Wildlife suffers when sandbars used for feeding and nesting are removed.
3. Sand and sandbars filter the water and are a natural cleanser.
4. Dredging causes riverbanks to cave-in, destroying wildlife habitat and riparian forests. This activity robs farmers of crop land through erosion.
5. Dredging pumps hundreds of thousands of tons of sediment into suspension each year, soil which contains unsafe toxins that must be treated at great expense. Dredging kicks-up dormant sediments that must be removed to provide drinking water at greater costs.
6. Dredging causes destruction of aquatic habitat which affects the food chain of predators. (See comments to the House Environment Committee regarding the Kansas River Recreation Study submitted by the Kansas Biological Survey dated February 5, 1998.)
7. The cables, booms, and barges used by dredgers create an unsafe hazard to recreation users and cut-off free flowing navigation at certain times during their operation.
8. The Kansas Geological Survey has just identified 74, potentially profitable pit-dredging locations which are off-river (See my written statement for details).
9. There are only three rivers that may be used by Kansas citizens. (All other rivers are privately owned.)
 - a) The Arkansas-It has a dry river bed through most of Kansas.
 - b) The Missouri-It is not recreation friendly for families.
 - c) The Kansas-This is really our only river available for use by Kansas citizens and over a-third of it is presently subject to intense dredging by approximately eighteen dredges.
10. Kansans spend millions of river tourism dollars out-of-state. A recreation friendly river could bring some of those millions back home.
11. It is nearly impossible to find suitable access points on the river. Between Lawrence and Topeka there is no access.

12. The greatest population of the state lies within the Kansas River Valley and this makes it the single most valuable recreational asset in the State.

Our conclusion is that once sand dredges are removed from the river and into pit sites, and once adequate access points are provided, the Kansas economy will begin to see an unprecedented influx of millions of tourist dollars from a resource that will be available for hundreds of years to come.

For the foregoing reasons, Friends of the Kaw has never supported sand dredging in the Kansas River. However, we do support the passage of HB 2925. If enacted into law it would provide the first protection ever for yet undredged portion of the Kansas River. We have met with representatives of the sand dredging industry and with some members of this Committee. We have assured these parties that we will not take any action to amend or defeat this bill. Thank you for your favorable consideration of HB 2925.

Testimony on H.B. 2925 - Concerning the Kansas River
February 18, 1998

Charles M. Benjamin, Ph.D., J.D.
Legislative Coordinator
Kansas Natural Resource Council
Kansas Chapter of Sierra Club

I come to you today in support of H.B. 2925.

I know the importance of availability and cost of materials for the repair and improvement of roads and other infrastructure. For 16 years I, along with two other Harvey County Commissioners, was responsible for maintaining and improving approximately 185 miles of asphalt and 70 miles of sand and gravel roads. In addition, I was also responsible for the repair and replacement of hundreds of bridges of various sizes, some which bear my name emblazoned on a bronze plaque. The point is that I realize the importance to our communities and to our state of readily available and affordable materials for the improvement of roads, bridges and other infrastructure.

Because I took this job a little over a year ago I missed the rancorous debate about whether or not to do a river recreation study. I think the legislature took the right course in setting up the Kansas River Recreation Study Committee and, from what I observed, the members of the committee took their charge seriously and did a thorough job of analyzing all aspects of recreation on the Kansas River.

The debate on this issue has focused primarily on the trade-off between river recreation and sand and gravel dredging and I think all of us understand both points of view. However, as the representative of environmental organizations, I was struck by the February 5 testimony given in this committee by the representatives of the Kansas Biological Survey. The biologists pointed out to you that approximately 75% of the biological diversity of the Kansas River is supported by a mosaic of habitats consisting of mud flats, sand bars, point bars, gravel bars, riffles, and shallow water areas associated with these physical features. They told you that biological diversity is proportionally highest in these areas in that they provide habitats for at least 100 or more species of aquatic and semi-aquatic invertebrates, and feeding, nesting and resting sites for a variety of birds, mammals, reptiles and amphibians that can number in the dozens of species. The fish community, according to these biologists, uses shallow water habitats as spawning areas, nesting grounds, and refuge. The other 25% of the species in the Kansas River live in deep water or open-channel habitats.

The biologists also told you that "the long term effect of mining sand and gravel from the lower reaches of the Kansas River has been the creation of a greater expanse of deep water habitat and less, species rich, shallow water habitats." They also pointed out that the effects of new Corps of Engineer regulations allowing a 2-foot lowering of the stream bed elevation through a five mile stretch of the river will not be known for "a decade or

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more.” The biologists warned that “lowering the stream bed by 2 feet over a five mile stretch of the river could affect the mosaic of sand bars and shallow habitats in the vicinity of dredging operations in segments of the river that are currently in equilibrium or only slightly and slowly degrading.”

This bill is rightfully a compromise between those who want to use the Kansas River for sand and gravel dredging and those who want to use it for recreation. I suggest to you that it is also a compromise between humans and the various species who depend on these shallow mud flats, sand bars and other areas of the river for their survival. It is also a compromise between those of us living today with future generations of Kansans. Unfortunately, neither the species dependent upon the river nor future Kansans could take part in the bargaining that led to this compromise.

Last year two momentous events happened to me. I became a grandparent - something I wish upon all of you, and I was struck with life threatening cancer - something I wish upon no one. These two events reminded me that we are here only temporarily. If we are lucky we will leave others to follow in our footsteps and we have an obligation to leave them a world in at least as good a shape as we found it. I urge you in the Environment Committee to continue to monitor the impacts of all human activities on the Kansas River and to protect the river for those who follow us. To those of you intending to use the river for recreation or sand dredging, I only ask that you treat the river kindly.

Madam Chair and members of the Environment Committee, thank you for the opportunity to testify before you.

February 18, 1998

Honorable Representatives:

My name is Dave Murphy. I am president of the Kansas Canoe Association. I am here to express our support for this bill, and at the same time express our sorrow for its shortcomings.

After twenty year of struggle the Kansas Canoe Association and the people of this state have an historic opportunity to protect at least some sections of one of the great rivers of Kansas. Although we see this bill as a success, we are sick to our hearts that we could not protect more of the river with this document.

There is no body of surface water more important to this state than the Kansas River. It is our namesake and has been the launching ground for not just our own Kaw Valley, but for most of the western frontier. It has sustained us and will continue to do so into the unforeseeable future.

Let me tell you a short story:

You and your family live on a nice little pond. Your family settled here a hundred years ago. Now you have several neighbors that also live around this nice pond. You and your family swim, fish, boat and drink from the pond. So do your neighbors. You and your family and most of the neighbors love the pond. It is the reason you live there. In fact, if the pond had not been there, the community itself could never have been developed.

One day you look out the window and one of your neighbors is taking the sand and gravel from your beach. When you ask him to stop, he says that it is the cheapest sand in the area and it would cost him \$5 cents more per ton to have to dig the sand out of his own back yard. He says the pond belongs to everyone in the community so the sand belongs to everyone. And he informs you that he's taking his part from your beachfront.

Now you find out that he has an unlimited number of customers down the street who also want this cheaper sand, and he is selling your sand at a tremendous profit. He will take sand until he is force to stop.

You can see fish already starting to die as the clear water is churned into muddy soup. Near the dredge site parts of your back yard begins to fall into the water. Mud has spread everywhere that the water touches. Your family cannot swim, boat, fish or drink the water. The banks are now too steep to approach the water's edge.

As it turns out, this little pond is the Kansas River. It is that "nice little pond" for millions of Kansans. Our communities would never have been built if not for the Kansas River.

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Our water is polluted, our beaches are ruined and our swimming and fishing holes are nearly unusable in many areas.

River or pond, the only difference is that when you flush the toilet on a river it all becomes someone else's problem.

Because someone can point to a dirtier, more polluted river in some other state does not make the Kansas River any cleaner or any safer for my family and their families to come. Nor does it provide any less justification for my anger that the state government has allowed someone to ruin or remove the beach we use, kill the fish we enjoy and foul our drinking water.

This is the little pond to millions of Kansans yet, historically, the state has promoted its systematic deterioration by looking the other way. I hope you will put that to an end.

All around the world governments have set aside land and waterways for future generations. We are glad that something is finally being done in Kansas. You should be proud that you have the opportunity to be a part of this great undertaking.

I said earlier that we had sorrow for the shortcomings of this bill. Although we support this bill and we grieve for the compromises we had to give up to get the sand dredging industry's agreement to support it. They are claiming even more river miles in this bill than they are currently dredging. Yet a line has been drawn and we will feel a great sense of victory for the river if this bill becomes law.

Please pass this bill as it is.

Please support this bill, and try to see our side of this issue for a change.

Dave Murphy, President, Kansas Canoe Association

KAPA

Kansas Aggregate
Producers' Association

Edward R. Moses
Managing Director

Testimony

**By
The Kansas River Sand Producers**

Before the

House Environment Committee

**Regarding HB # 2925 - Kansas River Dredging
February 18, 1998**

Good afternoon, Madame Chair and members of the committee. Thank you for the opportunity to come before you today with our comments on HB 2925. My name is Edward R. Moses and I am appearing on the behalf of the Kansas River Sand Producers.

The Kansas River Sand Producers (KRSP), a committee of the Kansas Aggregate Producers' Association (KAPA) is comprised of Kaw Valley Sand & Gravel, Holliday Sand & Gravel, Penny's Sand, Kaw Sand Company, Builders Sand Co., Victory Sand & Gravel, Meier's Ready Mix, Inc. and Kansas Sand & Concrete, Inc. All of these dredgers or their predecessors have been conducting sand & gravel processing operations on the Kansas River since pre-territorial days when materials were extracted to provide surfacing for the Santa Fe and Oregon Trails. Over the years, the river has provided a source of economical building materials, utilized by all Kansans. In addition to construction use, Kansas River sand is needed to make public roads safe from ice, fiberglass manufacture, and for the manufacture of computer chips and laser equipment in Johnson and Wyandotte counties. Given this long-term contribution, any measure to severely limit commercial dredging on the Kansas River would be tragic.

The river has been studied extensively by the U. S. Army Corps of Engineers, the Kansas Geological Survey and other federal and state agencies. Results show that the Kansas River is a major source of sand and gravel for northeastern Kansas. Kansas River dredging produces some of the highest quality and most cost-effective sand in the United States. Population trends show the long-term demand for both sand and gravel and crushed stone aggregates will continue to grow. Demographic projections suggest that by the year 2025, nearly half of the Kansas population will reside in the 10 counties adjacent

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to the Kansas River. Each year, the value of sand and gravel produced in Kansas exceeds \$80 million – a major contribution to the state's economy. We need to make sure that there are adequate long-term supplies to meet future demands along the Kansas River corridor.

Unfortunately, the ability to provide this valuable material has been diminished in recent years. The U.S. Army Corps of Engineers has limited the amount of sand to be extracted from the Kansas River in the lower reach from four million tons annually in 1990 to less than two million tons annually. The inability to get sand to the current market has already lead to an approximate 45% increase in sand prices in the Johnson and Wyandotte County markets. As pit operations in the Kansas River floodplain are economically or physically impossible, sand will have to be imported from a greater distance at a higher expense. An increase in the price of sand will have an unfavorable impact on the Northeast Kansas community, making businesses and employment in those areas noncompetitive with surrounding areas of the Midwest. The letters attached to this testimony evidence concern for this supply.

Lately, we have been faced with another threat to our continued ability to provide this needed material. This threat has been in the form of canoeists and others who seek to ban dredging from the river in order to establish exclusive canoeing preserves subsidized through the higher prices paid for sand and gravel by all one million Kansans residing in the Kansas River Corridor. This despite the fact that not one shred of evidence exists to suggest that dredging and recreational pursuits are incompatible. Given the economic impact to the residents of Northeast Kansas, it appears insensitive for a few hundred recreational interests to be unable to share the river. And these elitists, unlike members of private clubs, are proposing we, the citizens of Kansas, pay their dues!

If approved, HB 2925 would mitigate this threat by establishing multi-use segments in which river dredging operations could be conducted, we hope, without opposition from the Friends of the Kaw or the Kansas Canoe Association. The multi-use segments, as established in the bill, would allow for potential of three new permits under the U.S. Army Corps of Engineers. If all three permits were approved, they would bring production up to three million tons annually, still one million tons short of the annual production prior to the imposition of the Corps regulatory plan. In an effort to resolve this issue and get on with the business of providing basic resources to all Kansans. The Kansas River Sand Producers have, in the spirit of compromise, agreed to endorse HB 2925.

We thank you for your time and attention. I will be happy to respond to any questions you may have at this time.



Associated General Contractors of Kansas, Inc.

P.O. Box 5253 • Topeka, Kansas 66605-0253 • 200 West 33rd • Topeka, Kansas 66611
Telephone 913-266-4015 • Fax 913-266-2561

December 30, 1997

Mr. Gary Sherrer, Secretary
Kansas Department of Commerce and Housing
700 SW Harrison
Topeka, KS 66603

Re: Kansas River Recreation Study

Dear Secretary Sherrer,

On behalf of the Associated General Contractors of Kansas I wish to express our concern about the possibility of removing the ability to obtain any new sand dredging permits on the Kansas river. It is my understanding that this is part of a proposed recommendation to the Kansas Legislature from the Department of Commerce.

While we appreciate the concerns of those who think they are affected by dredging, we would suggest that there be an effort to strike a balance between the interest of industry and the interested citizens of this area. Therefore, we respectfully request that there be some changes in the proposed recommendation which would provide the granting of dredging permits for future use of this natural resource for our industry and providing the most economical delivery of construction services for the citizens of northeast Kansas.

Respectfully,

Dan Foltz, Vice President
Associated General Contractors of Kansas

DF/rf

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Kaw Valley Airboaters Association
1434 Ash Court
Eudora, Kansas 66025

TO: EDWARD R. MOSES

I AM VERY CONCERNED BY THE RECENT ATTEMPTS BY A LOCAL "SHIRT-TAIL-WANNA-BE" ENVIRONMENTALIST GROUP TO LIMIT OR EVEN STOP DREDGING ON THE KANSAS RIVER. THEY WANT US TO BELIEVE THEY HAVE OUR BEST INTERESTS AT HEART; IN TRUTH, THERE IS A VERY SMALL GROUP OF THEM TRYING TO MANIPULATE A LESS-THAN-KNOWLEDGEABLE PUBLIC INTO BELIEVING DREDGING IS BAD FOR THE KANSAS RIVER.

THEY CLAIM DREDGING CAUSES EROSION OF THE RIVER BANKS AND AFFECTS THE WILDLIFE IN THE AREA. IN TRUTH, EROSION IS CAUSED BY THE COMBINATION OF MOTHER NATURE AND A DISASTROUS FLOOD PROGRAM, COMPLIMENTS OF THE CORP OF ENGINEER, (PER U.S. CONGRESS) WHO BY GROSSLY MISMANAGING THE FLOWS OF WATER FROM RESERVOIRS CAUSES MORE AND MORE DAMAGE. WHEN THE WATER LEVEL RISES, THE BANKS ERODE FROM THE RIVER TRYING TO RETAKE WHAT WAS ONCE RIVERBED. IN MOST CASES DREDGING IN STRATEGIC LOCATIONS WILL REDIRECT A RIVER BACK TO ITS ORIGINAL CHANNEL AND STOP EROSION OF FARM LAND AND WOODED AREAS IN THE PROCESS.

WE HAVE TO ASK OURSELVES: WHAT DO THESE ENVIRONMENTALISTS REALLY WANT FROM THE KANSAS RIVER--SOME SORT OF A SANCTUARY OR PRESERVE THAT THEY CAN CONTROL? IF SO, A DREDGE IN THE MIDDLE OF THAT WOULD NOT FIT INTO THEIR FANTASY PLAY GROUND. WE HAVE TO BE CAREFUL NOT TO LET A GROUP WITH SELFISH GOALS TAKE CONTROL OF A NATURAL RESOURCE THAT BELONGS TO US ALL.

INSTEAD OF BATTLING DREDGERS, WE NEED TO LOOK AT THE REAL PROBLEMS SUCH AS POLLUTION FROM CITY SEWAGE PLANTS AND INDUSTRY, THAT ARE ONLY TOO EAGER TO POLLUTE OUR RIVERS. THE BOTTOM LINE IS WE CAN ALL EXIST ON THE RIVER WHETHER IT BE BOATING, BIRDWATCHING, OR TAPPING ITS RESOURCES TO BUILD OUR HOMES AND HIGHWAYS. PLEASE TAKE THE TIME TO LEARN THE TRUTH ABOUT THE KANSAS RIVER FROM THOSE WHO HAVE SPENT THEIR LIVES ON IT. BE CAREFUL OF THOSE WHO READ SOME STUDY AND BECOME A RIVER AUTHORITY OVERNIGHT.

LAST OF ALL, DON'T BE TOO QUICK TO JUDGE AND TAKE THE DREDGES OFF THE RIVER. THERE ARE SOME STATE LEGISLATORS AND SENATORS WHO HAVE DONE JUST THAT AND IS CLEAR THEY ARE ACTING ON THE BEHALF OF SPECIAL INTEREST ENVIRONMENTAL GROUPS RATHER THAN FOR ALL KANSAS CITIZENS.

Matthew D. Cain, president



Topeka Home Builders Association

1505 SW Fairlawn, Topeka, KS 66604-2411

785 273-1260 • fax 785 273-1286

www.thba.com • e-mail thba@cjnetworks.com

December 29, 1998

Mr. Gary Sherrer, Secretary
Kansas Department of Commerce and Housing
700 SW Harrison
Topeka, KS 66603

RE: Kansas River Preservation Study

Dear Mr. Secretary:

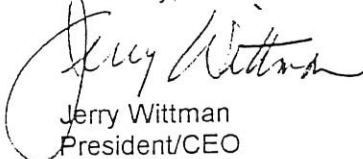
Members of the Topeka Home Builders Association have grave concerns with respect to the Kansas River Recreation Study being coordinated by your agency. Specifically, we are concerned with the agency's proposed recommendation to prohibit any new sand dredging plants along the complete length of the Kansas River for the purpose of developing river recreation.

Our industry is very dependent upon a steady and stable supply of raw materials including sand for the economical conduct of our operations. Since the implementation of the Corps regulatory plan in 1990, the price of concrete sand has doubled in this area. We have also seen increases in ancillary products such as concrete and asphalt. We are fearful that if new sources of sand are not developed in the upper areas of the river, our costs will skyrocket. For example, the cost of concrete sand went from \$3.50 per ton to \$12.50 during the 1993 flood when sand had to be imported from the Wichita area. Obviously these increases directly impact the cost of housing.

While we agree the recreational development of our natural resource is important, it should not be done on an exclusive basis. There appears to be no compelling reason, data or science that suggest river recreation and dredging are incompatible. Equally, it seems nonsensical to set aside all of the river for the recreational enjoyment of 400-600 canoeists while over 1 million Kansans must pay the price in higher building costs. For the reason stated above, we urge you to amend the recommendation to allow some new dredging development. Surely there is some justification in weighing the interest of home affordability for millions of Kansas against the exclusive desires of a few hundred.

Thank you for your time and consideration of our viewpoint on this important issue.

Sincerely,



Jerry Wittman
President/CEO



Lawrence Home Builders Association

P. O. Box 3490
 Lawrence, Kansas 66046
 (913) 832-9492
 fax (913) 832-9494

January 22, 1998

Lieutenant Governor Gary Sherrer
 2nd Floor
 State Capitol Building
 Topeka, KS 66612-1501

Dear Lieutenant Governor Sherrer:

The Lawrence Home Builders Association is concerned about the potential dredging ban on a segment of the Kansas River for the sole purpose of recreation. We understand the Kansas River Recreation Study, recently completed by five state agencies, has rejected this exclusive proposal. The LHBA supports the Study's conclusion on this particular issue.

The ability to identify and mine raw materials used in aggregate has an immediate impact on the construction industry. It is crucial to have this important raw material at a reasonable location to be considered economically accessible. If the demand for additional sand increased above what is currently produced by existing dredgers, then alternative sources would have to be located from outside the potential 'banned' river stretch. Importing sand would drive up costs on all construction projects -- both private and public.

It is in all our best interests to acquire raw materials in a manner which does not compromise or exhaust the environment. River dredging is currently regulated by local, state, and federal agencies. We see no compelling reason why recreation interests and dredging can't peacefully co-exist on the Kansas River.

Sincerely,

Neal Ezell
 President

NE:bf





**Home Builders
Association**
of Greater Kansas City



600 EAST 103rd STREET • KANSAS CITY, MO 64131-4300 • PHONE (816) 942-8800 • FAX (816) 942-8367

January 12, 1998

Mr. Gary Sherrer
Secretary
Kansas Department of Commerce & Housing
700 SW Harrison
Topeka, KS 66603

Re: Kansas River Recreation Study

Dear Mr. Secretary:

On behalf of the Home Builders Association of Greater Kansas City, I'm writing to make you aware of our concerns regarding the Kansas River Recreation Study, which is being coordinated by your agency.

Specifically, we're concerned because the proposal would set aside major segments of the Kansas River for the exclusive development of recreation. It appears this recommendation, and the U.S. Army Corps of Engineers Kansas River Regulatory Plan, would prohibit any new sand dredging permits along the complete length of the Kansas River.

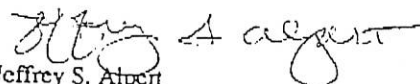
Our industry depends upon a steady and stable supply of raw materials, including sand, so we can develop in as cost-effective manner as possible. Since the implementation of the Corps regulatory plan in 1990, the price of concrete sand has doubled in this area. We have also seen increases in ancillary products such as concrete and asphalt. We fear that if new sources of sand are not developed in the upper areas of the river, our costs will skyrocket. For example, the cost of concrete sand went from \$3.50 per ton to \$12.50 per ton during the 1993 flood when sand had to be imported from the Wichita area.

We agree the recreational development of our natural resources is important, but it should not be done on an exclusive basis. To our knowledge, there appears to be no compelling reason, data or science that suggests river recreation and dredging are incompatible. Equally, it seems nonsensical to set aside all of the river for the recreational enjoyment of 400-600 canoeists while over 1 million Kansans must pay the price in higher building costs.

We urge you to amend the recommendation to allow some new dredging development, weighing the interest of thousands of Kansans against the exclusive desires of a few hundred.

Thank you for your consideration. Please feel free to contact me or Julie Sutter, director of governmental affairs, if you have questions or need additional information about our position.

Sincerely,


Jeffrey S. Alpert
President

House Bill #2925 Environment Committee

TO: Chairperson Freeborn and Committee members

Thank you for your time to address you. My name is Howard Parr, Shawnee County Farmer-Stockman. I farm family property along the Kansas River. I would like to share with you an adjacent landowner's problems with these River Access Bills. Boundary lines between state streams and private property should be addressed before implementation and agreed by all impacted. Who will be held responsible for trespass enforcement? Who and how will boundaries be marked and maintained? Normal response time in our area is 30 minutes at best if the sheriff comes.

The reoccurring statement that more access points will take care of problems is incorrect. Increase the number of people and you increase problems.

Why do you lock your office doors and the entry doors of the Statehouse? It's a state resource so let's increase access. Inform users that personal property is to be respected and left alone. If some problem surfaces call KDWP or the County Sheriff to respond to trespassing, litter vandalism, etc. This may sound strange, but is not that different from what more access implements. This honor system will according to some make problems disappear.

In respect to dredging areas, the whole river should be unencumbered, with the alternative of inland pits not an ecological-water quality friendly choice. Open pits reach directly into ground water resource tables; a risk not worth taking. Ground water being the only source of drinking water for small cities and individuals in the River Valley. To limit areas of sand in the river can drive sand costs up due to transportation costs, thus economically penalizing areas.

Currently, agricultural producers pump irrigation water from the river. How will they be affected? Will DWR or KDWP have jurisdiction? Will KDWP recreational use oversight prevent agricultural economic progress?

I do not agree with the LandOwner's Survey conclusions that were formulated. From January 12, 1997 Kansas River Recreation Study Executive Summary Report:

"Landowners are not predisposed to voluntarily provide access through their Property. The survey did identify a number of landowners that would not reject such participation depending upon the circumstances of their participation."

Landowners Survey Section B, questions B1 through B4:

- 71% strongly disagree or disagree with public access
- 22% neutral
- 6% agree
- 1% strongly agree

*House Environment
2-18-98
Attachment 6*

From the report to this committee; "Landowners are concerned with potential problems that may occur if recreational use of the river increases. While increased access would result increased usage, it may also have the effect of reducing problems of trespassing and damage of property caused by persons attempting to use the river."

Landowners Survey Section C:

"Have you **actually** experienced any problems listed above as the direct result of recreationalists along the Kansas River?"

Seventy-five percent of 306 respondents answered "yes" in order of occurrence of trespassing, littering, vandalism parked cars, burglary and rude users.

The Economic Impact Analysis shows no cost of facilities, enforcement, lost productivity for landowners, loss of revenue for area lakes, or maintenance costs for facilities. Is this a standard practice in analysis for the Kansas Department of Commerce and Housing?

I don't want to be anti-recreation or to point out only the negatives. I would like to refer to the U.S. Army Corps of Engineer's report, page 13 of the study teams study introduction:

"The study focused on a 57 mile segment of the River from the confluence of the Delaware River (river mile 64.4) to the Interstate 635 Bridge crossing west of Kansas City (river mile 7.4). This segment was determined to meet the requirements for inclusion in the National Wild and Scenic River System. In the study, USACE determined the determined that the Kansas River

"...is generally free from manmade structures, offering an example of a free-flowing river in a relatively natural state. As such, it represents a very significant part of the nation's dwindling natural heritage. As a component of the National Wilds and Scenic River System, it would be the only river so designated in the state of Kansas, and it could, therefore, serve the large population centers in the area with recreational, historical and cultural benefits... This segment, therefore deserves consideration for preservation of intrinsic values and the river's present free-flowing state."

The USACE study evaluated the 57 mile segment of the Kansas River on several criteria, which included: Free-flowing condition, accessibility, shoreline development, water quality, and scenic quality. Fish and wildlife values, recreation values, geologic features, and cultural and historic values. The study found that due to the river's location relative to major population centers in northeastern Kansas, the Kansas River is a major potential recreation resource. The heaviest area of recreational use were adjacent to access points on the river at Lawrence and in the lower river near Kansas City. Inclusion in the Wild and Scenic River System as a Recreational River was recommended by the study."

This could be a five to ten year pilot program to evaluate problems and positives, and provide access to youth and higher population densities. It would be a program to parallel past Governor Hayden's fishing program for youth. It would also fit nicely into the 40-mile radius for expenditures per the Study Report.

Note that two access areas near cities that also expressed interest are Lecompton and St. George.

The first corridor would be Sardou Ramp or Lecompton East. The second corridor would be public area at Blue River to St. George.

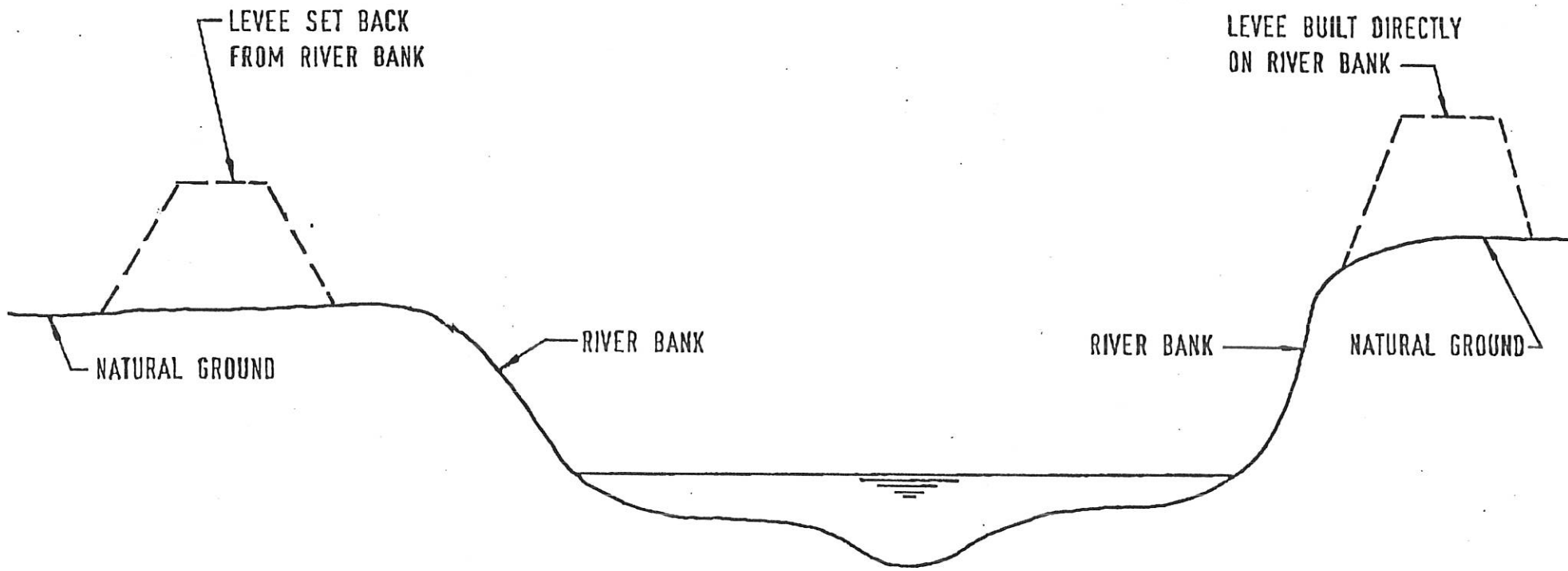
Do an economic assessment, advantages and disadvantages. Contact landowners in the survey and give them a person to come out and deal with problems, preferably 24 hours a day and including weekends.

In the spirit of the "Walk In Hunting Program" KDWP can contact landowners in areas of interest and secure access if these problems are solved and funds are available.

This will provide direction and KDWP can access revenue from registration and demand before committing funds to unknown.

This bill and others like it put KDWP in charge. Each one takes one more step to total open access and the problems that accompany it. If you would like examples, just ask.

Chairperson Freeborn and members of the committee, I will try and answer any questions. Thank you for your time and consideration.



TYPICAL RIVER SECTION

NOT TO SCALE

WM WHITE, MARTIN & ASSOCIATES, INC
ENGINEER/CONSULT.

1125 N. RIVINGTON BLVD
TAMPA, FLORIDA 33606-1808
PH (813) 253-1340 FAX (813) 253-1808

RECREATION

GOAL: Increase recreational activity along the Kansas River by 2001.

STATE WATER PLAN PROGRAMS

A. River Recreation (KDWP)

This effort attempts to implement the Kansas-Lower Republican basin plan regarding fish, wildlife and recreation issues. The Department has developed a river recreation access plan for the Kansas River. This access plan divided access opportunities into several annual phases. The first phase would install ramps at St. George and Perry/Lecompton. The second phase would place ramps at Manhattan and West Topeka, the third phase would be near Maple Hill and Willard and the fourth phase would be at Ogden and Wamego. Consideration would later be given to access at the Smoky Hill/Republican confluence and areas downstream from the Bowersock Dam in Lawrence. There are currently two access ramps on the river between Junction City and Lawrence, as well as access to the river via a Blue River ramp at Manhattan. Because of the slow moving flow along the river, a typical day trip would be about 10-15 miles. The 1996 Legislature has directed several agencies, headed by the Department of Commerce and Housing to prepare a study of the economic impacts of recreation on the river, due by the 1998 Session. To date, State Water Plan Funds have not been appropriated to this effort, although the 1997 Legislature did approve use of the Boating Fee Fund for the initial construction efforts.

OBJECTIVES FOR FY 1998-1999

1. Construct boat ramps at St. George and Perry/Lecompton in FY 1999.
2. Establish a baseline of recreational usage on the river over 1997-1998 in conjunction with the recreation study headed by KDCH for subsequent evaluation of achieving the 2001 recreational activity goal.
3. Develop a comprehensive policy subsection on recreation for the Kansas Water Plan in 1998.

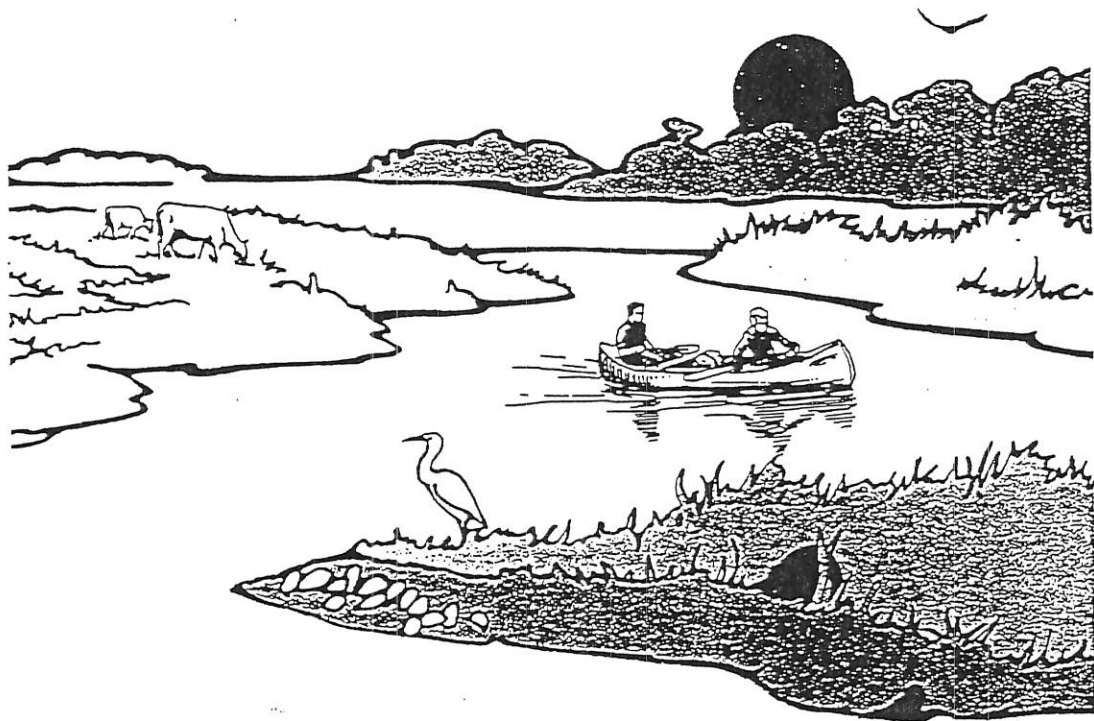
STRATEGIES

1. Revise plans for access on Kansas River as appropriate, based on results of KDCH study.
2. Use Rollin Down the River festival to inform public of river recreation issues.
3. Look for opportunities on Arkansas River in consultation with local interest groups.
4. Explore recreation opportunities on Kansas River tributaries.

#2925

ENVIRONMENT COMMITTEE

KANSAS RIVER RECREATION SURVEY RESULTS



Horticulture, Forestry & Recreation
Kansas State University
and
Research & Analysis Section
Kansas Dept. of Commerce & Housing

House Environment
2-18-98
Attachment 7

SECTION B - RECREATIONAL ACCESS & DEVELOPMENT

The State of Kansas is not proposing that access points be provided on the Kansas River at places other than existing right-of-ways or publicly-owned property. However, if you elect to use your private property for river access you should know that Kansas law holds landowners harmless from liability associated with recreational trespass and non-compensated use with permission. For example, if a trespasser is harmed on your property (aside from gross negligence - like traps, and criminal actions - like assault), you are not held liable. Additionally, if permission is granted for recreational participation and no direct payments are made from recreationists, landowners are not liable.

Please indicate one response (Strongly Agree; Agree; Neutral; Disagree; or Strongly Disagree) for each of these statements.

I WOULD BE INTERESTED IN:

B1. Personally financing some form of recreational development (canoe rental, shuttle service, bait & tackle, campground, etc.) on my property along the Kansas River for profit, to be used by the general public.

Strongly Agree (5) $x=1.62$; $n=323$ (1) Strongly Disagree

B2. Voluntarily providing free public access through my property for recreational use of the Kansas River.

Strongly Agree (5) $x=1.59$; $n=323$ (1) Strongly Disagree

B3. Designating a portion of my riverfront property as a conservation easement (property tax relief for erosion control practices and recreational access).

Strongly Agree (5) $x=1.95$; $n=314$ (1) Strongly Disagree

B4. Having the state lease my property along the river for public access in order to generate personal income (similar to the Walk-In Hunting Program, now in effect).

Strongly Agree (5) $x=1.81$; $n=314$ (1) Strongly Disagree

TOTAL ACCESS SCORE (av.) $x=1.73$; $n=233$

Disagree

*139 - strongly disagree
78 - Disagree
63 - Neither*

*18 - agree
4 - strongly agree
27 - missing data*

} total 233

3. Potentially, do you think that you would experience any of the following problems if recreational use of the Kansas River were to increase? If so, to what degree? Please rate each item separately.

POTENTIAL PROBLEMS:	ANTICIPATED OCCURRENCE		
	ALWAYS (5)	SOME (3)	NEVER (1)
Littering on/near my property.....	5	x=4.19; n=317	1
Trespassing on my property.....	5	x=4.08; n=313	1
Parked cars on/near my property.....	5	x=3.88; n=307	1
Liability issues.....	5	x=3.72; n=297	1
Vandalism of my property.....	5	x=3.70; n=301	1
Discourteous, rude users.....	5	x=3.68; n=308	1
Loss of privacy/solitude.....	5	x=3.68; n=298	1
Other (specify _____) ..	5	x=3.52; n=029	1
Burglary.....	5	x=3.47; n=294	1
Unleashed and roaming pets.....	5	x=3.43; n=291	1
Noise from recreational activity....	5	x=3.29; n=289	1
Asking for phone, bathroom, etc.....	5	x=2.87; n=278	1
Harassing my animals.....	5	x=2.65; n=255	1
TOTAL PROBLEM SCORE (average).....	5	x=3.48; n=233	1

Have you actually experienced any of the problems listed above as a direct result of recreationists along the Kansas River?

228 (66.3%) YES
78 (22.7%) NO
38 (11.1%) MISSING DATA

If so, please indicate which one(s):

<u>153</u> Trespassing	<u>55</u> Loss of privacy/solitude
<u>140</u> Littering	<u>45</u> Unleashed/roaming pets
<u>99</u> Vandalism	<u>42</u> Noise from recreationists
<u>92</u> Parked cars	<u>32</u> Other
<u>70</u> Burglary	<u>29</u> Harassing animals
<u>68</u> Discourteous, rude users	<u>28</u> Liability
	<u>28</u> Asking permission

note: respondents could list more than one problem

KANSAS RIVER RECREATION STUDY

The Kansas River Recreation Study has been performed in compliance with legislation passed by the 1996 Kansas Legislature in Section 78 of Senate Bill 757. The legislature directed that the Kansas Department of Commerce & Housing; in conjunction with the Kansas Water Office, Kansas Geological Survey, Kansas Biological Survey and the Kansas Department of Wildlife and Parks; conduct a study of the development of recreational opportunities within the Kansas River.

The attached study reflects the base of information collected and considered by the study group. The recommendations and conclusions in the study are provided for consideration by responsible authority for their information, modification and or approval. The major components of the study were :

- Assessment of the direct economic impact of commercial use of resources associated with the Kansas River that impact recreational usage or which recreational usage would impact.
- Assessment of potential recreational uses of the river. This will include an assessment of the demand for such opportunities, the potential economic impact of such uses, their feasibility, and costs associated with developing and maintaining such opportunities.
- Identification of constituencies that may work in a cooperative manner with public and private entities to develop a framework for determining appropriate development and use of the resources associated with the Kansas River. This would include both recreational and commercial uses of the Kansas River.

Issues identified in the study were related to the development of recreational activities and the impact of commercial usage on resources on the river. The assessment of economic potential for river recreation and the degree of compatibility of recreational and commercial use of the river were also concerns of the study group.

Summary Of Data

Recreational Interest

The survey of recreational interest provided information on the type and relative level of interest in a wide variety of recreational activities. The top three categories of interest identified in the survey were Wildlife Observation, Canoeing and Bird Watching. Respondents to the survey also identified the segment of the river from Topeka to Lawrence as the highest use portion of the river.

Landowner Survey

A survey of persons owning property adjacent to the Kansas River was also performed during the study. The information provided by landowners was used to assess their attitudes and perceptions related to river recreation.

The major points identified in the survey were:

- Landowners are not predisposed to voluntarily provide access through their property. The survey did identify a number of landowners who would not reject such participation depending upon the circumstances of their participation.
- Landowners are concerned with potential problems that may occur if recreational use of the river increases. While increased access would result in increased usage, it may also have the effect of reducing problems of trespass and damage of property caused by persons attempting to use the river.

Economic Impact

The analysis of the economic potential of recreation on the Kansas River was focused on water related river recreation. Specifically the potential economic benefits of canoeing, and other non-powered boating activities was considered.

The impact of outdoor recreation in the state of Kansas is significant. As identified in the 1996 USFWS Study, 793,000 residents expended \$275,793,000 in 1996 on recreation. Kansas residents in the twenty-four counties participate in a wide variety of outdoor recreation in the state and in surrounding states. In 1996 it is estimated that 56,877 residents participated in canoeing, floating or rafting an average of 2 days. The resulting 113,754 Unit Days of participation result in \$2.8 million in direct expenditures. This \$2.8 million represents the market potential for river recreation in the region.

This figure does not include multiplier effects on employment and income that are generated by the direct expenditures and reflects only the current participation rates in the region. Increases in participation, due to better access to the river, would cause a proportional increase in direct and indirect spending and economic impacts. If improved access raised local participation rates to the national average of 7%, the total direct impacts would be approximately \$3.4.

ALL THIS WITH NO EXPENSES?

Study Conclusions

The information reviewed by the committee in the process of the study has led to the following conclusions.

- The Kansas River is an underdeveloped and underutilized state recreational resource. As one of three navigable rivers in Kansas, the Kansas River represents a unique recreational resource. The state of Kansas has no other stream recreation resource of this type.
- The majority of recreationists and land owners do not want a highly developed, and costly, infrastructure developed for recreation on the Kansas River.
- The primary need identified by recreationists are access for non-motorized boating activities such as canoeing, kayaking, floating, rafting, etc., and continuous segments of the river that are free of commercial operations that take place in the river.
- Landowner concerns about negative effects of increased recreation on the river are tied to issues related to access. Increased access may cause fewer problems related to trespass, parking, and conformations with persons using the river.
- Economic benefits that may result from the development of the river as a recreational resource are not insignificant. Several smaller communities, such as St. George and Lecompton, are actively supporting the development of river access in their communities as a tourism development activity.
- Concern about the river itself is a major issue. Landowners have identified water quality, pollution in the river, bank stabilization; dredging impacts and the fluctuation of river levels as related concerns. The U.S. Army Corps of Engineers (USACE) has also instituted a regulatory plan that has placed limits on dredging operations while continuing their study of the effects of dredging on streambed degradation in the lower Kansas River.

WRONG →

How MANY COMMENTS SUBJECTS ON THIS SUBJECT ON OTAWA SUBJECTS

Post#	Date
Fax Note R7673	2/20
To	Mary Ann
Fax#	
From	Jean Barbee
Phone#	785-233-0555

Environment

To the House Committee on ~~Environment~~
 Mail address for committee members:

Representative _____, Room _____
 State Capitol Building, Topeka 66612

My name is Laird French. I have a farm next to the Kansas River. One of the possible locations for a boat ramp is Number 14 or the Willard Bridge. The problem is if the boat ramp was put on the north side of the river it would cut off access to my winter quarters for my cattle and deny them water for free grazing on the rest of the farm.

Also our home is within 1500 feet of the site. In past years we have had problems with the public in this area.

1. Fences cut
2. Trash dumped (pickup loads)
3. Random shooting (blue rock in corral and high power rifle target practice.
4. Trespassing, hunting, and fishing on private property
5. Threats of bodily harm to myself and livestock
6. Abandon car and people staying all night in area.
7. Vandalism to crops and property (alfalfa field run over by vehicles
8. Robbery of home as a result of overnight stay at this location. (They watched our home and when we left they robbed it - they were caught later.)

My concern is also for the game and the environment. We have bald eagles that fish and roost in the cottonwood trees on both the east and west side of the bridge on the north side of the river. Also a small herd of deer and 12 turkeys, a covey of quail that I have worked hard to preserve. It is a real peaceful area now but what will happen if it is allowed to be opened to the public?

Also I am concerned with ATV vehicles, hover craft, air boats and loud vehicles disturbing the environment. There is a levee on the north side of the river that protect our property from floodwater at high water times. I am also concerned about travel on this levee. We pay alot of taxes for flood protection. I feel that to locate the boat ramp on the north side will compound these problems of travel on the levee.

Would the committee please consider this request before making a decision on this boat ramp location? Thankyou for your time.

Most gratefully - Laird French and Family

House Environment
 2-18-98
 Attachment 8

Tri-County Drainage was organized in the early 1940's for the purpose of protection from the encroachment of the Kansas River during high water events. Physical construction was started toward the project in 1944 and completed in 1945. This levee system was constructed from the available earthen material that was on site and protection was for approximately 10,000 acres of agricultural land and homesites within this area. The name Tri-County was used because this flood control project included real estate in Pottawatomie, Wabanusee, and Shawnee counties. Tri-County Drainage System consists of approximately eleven miles of levee system bordering the North side of the Kansas River and approximately three to four additional miles containing the indirect water from the Kaw River flowing up or down Bourbonais and Cross Creek drainage areas. The West boundary of Tri-County Drainage starts about due south of St. Marys, Kansas and continues east or down river to Silver Lake, Kansas. The Southern border being of course the Kansas River and Northern border (intermittently) Highway 24.

As stated above, the main purposes were for flood protection then and flood protection now. The scope of this protection in the waning years of the 1900's has changed dramatically since the 1940's in the protection achieved by this system. In the early 1940's there were very few utilities in this area, very few paved roads, and a lot more rural dwellings. There was not any irrigation wells and just simply things have changed drastically with a lot more infrastructure under the protection of this levee.

Tri-County Drainage district was formed and then presided over by a board of five supervisors picked within its boundaries and voted on by the tax paying members within its boundaries. The five members have through its history, been selected to represent different locations within these boundaries. We are a local Government entity and currently preside over an annual budget of \$40,000.00 used strictly for maintenance and repair of the river levees. Our levee system is constructed on Private property and we have a lifetime easement towards the maintenance and repair of such. In every instance that I recall, the levee system and real estate on the ~~West~~ Side of the levy is owned by the landowner on the dry-side of the levy. This is a fact that a lot of people are not aware of. Here lies our problem with Public-Access Boat Ramps!

As stated previously, our levee system is of earthen materials that vary in different textures of soil. The top and both sides of our levees are maintained only through the proper vegetation growth on such. We do not have a gravel crown as some Drainage Districts do and therefore we have a very fragile environment on and around our dikes. Woody species of plants and other ^{noxious} ~~noxious~~ weeds are controlled so that different varieties of grasses and legumes will thrive and thus stabilize the structures. These dikes are very fragile in some places and will not tolerate any motorized wheel traffic without a detrimental effect to the soils and plant species especially when soils are wet!

Through the years in providing maintenance and repairs for our system, one of our major concerns has been unauthorized traffic by hunters, fisherman and off-road vehicles on these dikes. Several miles of these are in remote areas not readily accessible by conventional two-wheel drive vehicles. We have tried in the past, several means of

security, but to no avail. Whenever we have tried to build gates people have either cut them down or they shoot through them and proceed on. Simply put, trespassing has been a problem in these areas for years, both for the private landowners and for the Tri-County Drainage Board. We have noticed in the recent past because of private property laws and what they entail, fewer instances are occurring. People seem to realize that they have to cross private property to get to these remote areas and consequently have been a little reluctant to do so. But with public boat ramps that will have to cross our levees and proceed to the river edge, this will compound our problems of the past. The majority of the people will not understand what the public boundaries are when they achieve access to the streambed of the Kansas River and will perceive the field bordering the dry-side of the levee as this boundary. When in reality they have already trespassed when they have reached this point. Thus we have the problems of trespassing on private property to a larger extent than ever. With the access to the streambed, sandbars, and woodlands, there will naturally come access to our levee structure. With 4x4 pickups, ATV's motorcycles, and dune buggies, we view with great disdain the inevitable.

How many citizens in the state of Kansas know the public right of access from the streambed to the high water mark of a navigable river? I am not sure that any of us do. I ~~perceive~~ ^{PERCEIVE} this to be my right from streambed to where green foliage begins and certainly does not include woodlands, grasslands, and river levees. We are dealing here with terms as defined by law as pertaining to the peoples right of access. The law says that the high water mark is the point to which the water usually rises in ordinary seasons of high water. To my way of thinking the Corps of Engineers has negated this.

Returning again to our objections to the Public Access Boat Ramp issue, once the public gains access to the streambed with a large assortment of water and land craft, will there be any policing of these vehicles. My understanding of off road machines and their recreational use will wreck havoc with the inclines on our levees. Remember the real challenge is who can climb the highest, the fastest in the most adverse conditions. We visualize deep ruts, which leave the barren ground at the mercy of nature for erosion by both wind and water. Once again let me remind you that some of our most fragile soils require several years for re-establishment of ground cover and are at strategic points that have failed during the floods of 1951 and 1993. It is imperative that these remain undisturbed especially by wheeled or tracked vehicles. Several of these areas, we drive around on our levee inspections. Also during these inspections we are very conscious of the ground conditions and prefer to monitor these during dry season or winter months when the ground is frozen. Incidentally these conditions probably would not appeal to most off roaders. These are our main concerns as supervisors of the Tri-County Drainage District, charged with maintaining and repairing a very important structure that protects many lives and a lot of private property and real estate within the townships of St. Marys, Rossville, and Silver Lake.

Some other concerns we also would like to address should Public Access Boat Ramps arise are: who would be policing these ramps and facilities and county or township roads leading to them. Policing in effect would include maintaining them, picking up inevitable trash, dumping trash containers, and etc. Who would be

responsible for and answer assistance calls for encroachment on private lands? What mode of transportation would be used adjacent to our levee system on emergency calls? Would these responsibilities fall on local law enforcement, county sheriffs, who?

In closing we would like to express our wishes that public access to the Kansas River be left to private landowners as it has always been. Private landowners can express to the public their wishes and concerns on a personal basis and make their own decisions as they have been doing for years. There are existing public access ramps installed on the confluence of the Blue River and Kansas River at Manhattan, Kansas. Also, a ramp is located on the East Side of Topeka at the end of Seward Avenue, granted these are miles apart. Our understanding that public access ramps in the St. George area are being solicited as well as somewhere around the Lecompton area. It is fine by us if these communities can support these access ramps. Maybe they do not have river levees to protect and thus private landowners welcome them. On the other hand, we have as our priority, eleven miles of river levee to protect.

We will conclude by entertaining any questions you may have?

**DAVID L. MILLER'S TESTIMONY
FOR NORTH TOPEKA DRAINAGE DISTRICT
BEFORE THE HOUSE ENVIRONMENTAL COMMITTEE ON FEBRUARY 18, 1998**

I have attached a letter to this written testimony, dated February 18, 1998, which explains that the annual budget for the North Topeka Drainage District is \$266,000. Approximately \$100,000 of these funds are used for maintenance of the levees along the Kansas River. Allowing vehicle access over the property of the Drainage District would have a significant financial impact on the budget for the North Topeka Drainage District.

The North Topeka Drainage Board allows pedestrian access to individuals over the property of the district. In the past the City of Topeka experimented with allowing individuals to drive over the levees to get to the Kaw river. This had to be stopped for the reason that there was dumping of trash, beer parties and vehicles were being driven in inappropriate areas. If the public is allowed to have access by vehicles to the river over the North Topeka Drainage District property, this would increase considerably the expenditures required by the district to keep the levees maintained and the area clean.

When there is high water in the river this will cause silt to be deposited on ramps and on the roadways, which will have to be cleaned after the high water recedes. The expenditures to clean the roads and boat ramps would need to be addressed by the committee.

If any of you have any questions, I will be glad to try and answer them.

Thank you for your time.

NORTH TOPEKA DRAINAGE BOARD

"40 Miles of Patrolled Levees"

2630 ROCHESTER ROAD

TOPEKA, KANSAS 66608

February 18, 1998

Representative Joann Freeborn
Acting Chair and Committee Member
State Capitol Building
Topeka, KS 66612

RE: HOUSE BILL 2716 AND HOUSE BILL 2925.

Dear Representative Freeborn:

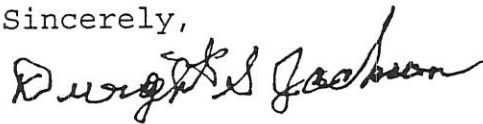
The annual budget for the North Topeka Drainage District is \$266,000, with about \$66,000 spent on channel maintenance outside the levee project. Of the remaining \$200,000 used for flood protection, about half is used for the Soldier Creek Levees and the other \$100,000 for the Kansas River levees.

The amount spent each year for repairs to the levees caused by unauthorized persons is minimal, because as soon as a problem is discovered measures are taken to get it stopped, so the cost for prevention of damage to the Kansas River levees is estimated to be \$5,000 to \$10,000 per year.

There is no public access to the river over the Kansas River levees that are maintained by the District; this is controlled by fences and gates for their entire length. The object is to keep out all unauthorized motor vehicles, but not pedestrian traffic. This allows access for fishermen to walk to the river, but does keep out boaters.

The District does not have a problem with fishermen and boaters, but when vehicle access across the levee is provided for them, then all the public has access. This allows people with motorcycles, all-terrains and 4-wheel drives access to the riverside of the levees that have no fences or gates to keep them out. These type of vehicles want to use the levees for an obstacle course, which can cause a great deal of damage. To prevent this requires building strong fences, that cannot be cut, run down or pulled out, which cost about \$10 per foot. The installation of a boat ramp could require several hundred feet of this type of fence. The above problem with unauthorized vehicles on the levees is not some remote possibility, but based on my 30-plus years of maintaining levees it is almost a certainty.

Sincerely,



DWIGHT S. JACKSON
President