

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE.

The meeting was called to order by Chairman Senator Robert Tyson at 8:00 a.m. on March 25, 2003 in Room 423-S of the Capitol.

Members present: Senator Adkins, Senator Corbin, Senator Downey, Senator Huelskamp, Senator Lee, Senator Schmidt, Senator Taddiken, Senator Tyson, Senator Umbarger

Committee staff present: Raney Gilliland, Legislative Research  
Lisa Montgomery, Revisor of Statutes  
Shannon Stone, Secretary

Conferees appearing before the committee: None

Others attending: See attached guest list.

**Final Action on House Bill 2027**

Chairman Tyson shared information he'd researched on prairie dogs from an endangered species website. (Attachment 1) Discussion over an amendment proposed by Senator Tyson followed. (Attachment 2) Senator Tyson made a motion to amend HB 2027. Senator Taddiken seconded the motion and the motion carried.

Senator Huelskamp made a motion to strike the words "for sale" (page 4, lines 27 and 28) of the bill. Senator Taddiken seconded the motion and the motion carried.

Discussion over the amended bill followed.

Senator Schmidt made a motion for the passage of the bill out without recommendation, as amended. Senator Downey seconded the motion. A roll call vote was taken: Sen. Adkins-Yes; Sen. Corbin-Yes; Sen. Downey-Yes; S. Huelskamp-No; S. Lee-No; Sen. Schmidt-Yes; Sen. Taddiken-Yes; Sen. Tyson-No; Sen. Umbarger-Yes. The motion carried.

**Final Action on Substitute for House Bill 2219**

Chairman Tyson made a motion to make further amendments to the balloon on HB 2219. Senator Lee seconded the motion and the motion carried.

Senator Lee made a motion to change the dates set for the recreational sporting season from "April 1 to September 30", as provided in the statute to "May 1 through October 31." Senator Huelskamp seconded the motion. And the motion carried.

Senator Huelskamp made a motion to change the statute to register the changes made by the Committee. Senator Taddiken seconded the motion and the motion carried.

Senator Corbin made a motion to move the bill out favorably as amended. Senator Lee seconded the motion. A roll call vote was taken: Sen. Adkins-No; Sen. Corbin-Yes; Sen. Downey-Yes; Sen. Huelskamp-Yes; Sen. Lee-Yes; Sen. Schmidt-Yes; Sen. Taddiken-Yes; Sen. Tyson-Yes; Sen. Umbarger-Yes. The motion carried.

**Approval of Minutes/Adjournment**

Minutes from March 13 and March 14 were approved without correction.  
The meeting was adjourned at 9:30.

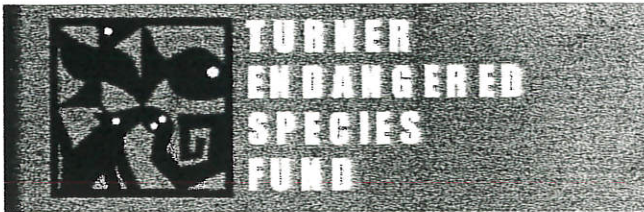
**SENATE NATURAL RESOURCES COMMITTEE**

**GUEST LIST**

DATE: Mar. 25

NAME	REPRESENTING
Larry Powell	117 <sup>th</sup> Dist
Ken Allen	Pawnee w/s Dist
Steve Swaffar	Ks Farm Bureau
Jere White	KCGA-KGSP
Todd Johnson	KLA
Greg Krissik	KCGA - KSSB
Adrian Polansky	KDA
Carole Jordan	KDA
Dusty Busch	Bollenberg + Assoc.
<del>Stu Adams</del>	KDWP
Chad Luce	KDWP
Alte Zivian	Ks. Livestock Assoc.





**Projects By Species**

**Animals**

- Aplomado Falcon
- Black Footed Ferret
- Black-Tailed Prairie Dog
- California Condor
- Chiricahua Leopard Frog
- Desert Bighorn Sheep
- Huemul
- Mexican Wolf
- Mexican Spotted Owls
- Northern Rockies Grizzly Bear
- Northern Rocky Mountain Gray Wolf
- Red-Cockaded Woodpecker
- Rio Grande Riparian Restoration
- Rio Grande Cutthroat Trout
- Southern Fox Squirrel
- Southern Rocky Mountain Gray Wolf
- Swift Fox
- Westlope Cutthroat Trout

**Plants and Pollinators**

- Blowout Penstomen
- Longleaf Pine
- Pollinator Biodiversity Assessment
- Bi-National Migratory Pollinator Campaign

The Turner Endangered Species Fund protects imperiled species and habitats on over 1.8 million acres owned by the Turner family. Turner properties are also home to more than 25,000 bison.

**International Projects**

**Huemul (*Hippocamelus bisulcus*) - La Primavera Ranch, Argentina,**

<http://tesf.org/man/>



**Projects By Location**

- Armendaris Ranch, NM
- Desert Bighorn Sheep
- Aplomado Falcon
- Avalon Plantation, FL
- Longleaf Pine
- Pollinator Biodiversity Assessment
- Red-Cockaded Woodpecker
- Bad River Ranch, SD
- Swift Fox
- Black-Tailed Prairie Dog
- Blue Creek Ranch, NE
- Black-Tailed Prairie Dog
- Flying D Ranch, MT
- Westlope Cutthroat Trout
- Northern Rocky Mountain Gray Wolf

- Ladder Ranch, NM
- California Condor
- Mexican Wolf
- Rio Grande Cutthroat Tr
- La Primavera Ranch, Ar
- Huemul
- Spikebox, NE
- Blowout Penstomen
- St. Phillips Island, SC
- Southern Fox Squirrel
- Vermejo Park Ranch, NI
- Black Footed Ferret
- Southern Rocky Mounta
- Z-Bar Ranch, KS
- Black-Tailed Prairie Dog

2000-2001 Bi-annual report  
 During 2001 established 3 new colonies at Z-Bar

Senate Natural Resources Committee  
 Date: March 25, 2003  
 Attachment 1 - 1



### South America

Huemul are one of the most endangered mammal species in the southern cone of South America. There are probably less than 1,000 of these Andean Mountain deer remaining in the wild in Argentina and Chile. Beginning in 1999 we provided funding for a cooperative project with the Wildlife Conservation Society on huemul conservation. During 2001 we cosponsored and participated in a huemul conservation workshop in Argentina and helped initiate a national plan for huemul conservation.

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### Bi-National Migratory Pollinator Campaign

We provide cornerstone financial support and biologists to assist with campaign design and implementation of a bi-national campaign to conserve migratory pollinators and their 1,500-mile migration corridor that stretches from the southwestern U.S. to southern Mexico. The campaign is administered by the Pollinator Conservation Consortium at the Arizona-Sonora Desert Museum. The campaign focuses on 4 imperiled pollinators (including the endangered lesser long-nosed bat [*Leptonycteris curasoae*], white-winged dove [*Zenaida asiatica*], rufous hummingbird [*Selasphorus rufus*] and monarch butterfly [*Danaus plexippus*]) and the habitats on which they depend at 10 critical staging sites along the corridor.

### Projects within United States

#### Aplomado falcon (*Falco femoralis septentrionalis*)

Falcons are a federally endangered species and are integral part of restoration of Chihuahuan grassland ecosystem. No population of falcons remains in New Mexico. We are developing plans to assess the feasibility of reintroducing falcons on the Armendaris Ranch. (Related site: [The Peregrine Fund](#))

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#### Blowout penstemon (*Penstemon haydenii*) – Spikebox Ranch, Nebraska

Blowout penstemon is a federally listed endangered plant. It is the rarest native plant in the Great Plains and only grows in the Nebraska Sandhills. We are cooperating with the University of Nebraska, the Nebraska Department of Agriculture, and the Nebraska Environmental Trust to restore this species by propagating plants in greenhouses and replanting them in the wild.

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#### Black footed ferret (*Mustela nigripes*)

Ferrets are the most endangered mammal in the US. We built a captive rearing facility on the Vermejo Park Ranch to produce and precondition ferrets prior to releases into recovery areas by the US Fish and Wildlife Service.

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#### Black-tailed prairie dog (*Cynomys ludovicianus*)

Prairie dogs now inhabit less than 2% of their original range, and their listing as an endangered species was deemed warranted but precluded by the US Fish and Wildlife Service. We are working to expand prairie dog numbers and distribution on several properties including Bad River, Armendaris, Vermejo Park, Z-bar, Blue Creek, and Ladder Ranches. Restoration of this keystone species will be part of our endeavor to restore prairie systems and allow eventual reintroduction of black-footed ferrets.

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#### California condor (*Gymnogyps californicus*)

Condors have been hovering near the verge on extinction with only around 50 birds remaining in the wild. We are assessing the feasibility of reintroducing condors into recovery areas in New Mexico.

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#### Chiricahua leopard frog (*Rana chiricahuensis*) conservation – Ladder Ranch, New Mexico

The Ladder Ranch currently supports one of the last remaining New Mexican populations of the chiricahua leopard frog – a species proposed as threatened by the US Fish and Wildlife Service. In 2001 the Ladder Ranch commissioned a ranch-wide baseline survey to better understand the current status of this species and its habitat on the property in order to outline future management, restoration, and propagation of



## The Billionaire Conservationist

Can Ted Turner save threatened species? He is using his private lands and deep pockets to reintroduce animals driven off by development

By Krista West in Scientific American  
July 15, 2002

As the creator of CNN, the first 24-hour news network, and other cable stations, Ted Turner forever changed the landscape of American television. Now the 64-year-old "media mogul" plans to change the landscape of the American West. He is the ringleader of a giant scientific experiment to restore damaged ecosystems—specifically, to reintroduce species and to reinvigorate Western lands in an economically sustainable way. And he may just have the means and the minds to pull it off.

Turner is the largest private landowner in the nation, controlling two million acres (an area bigger than Delaware) spread across 10 states. He is using the lands as laboratories to apply existing wildlife management techniques and to develop new ones. Since 1997 his staff of traditional ranchers, former government scientists and academic researchers has produced nearly 50 scientific publications, and their impact on the science of wildlife conservation is becoming hard to ignore.

It all started in 1995, when the thrice-divorced father of five visited Yellowstone National Park with his then wife, actress Jane Fonda, to discover more about the federal wolf reintroduction program, an effort of the U.S. Fish and Wildlife Service to transplant wild wolves from eastern Canada to Yellowstone. They met project leader Mike Phillips and, according to Phillips, "learned that restoration could be an alternative to extinction." Two years later Turner, with his son Beau and Phillips, created the Turner Endangered Species Fund (TESF), a nonprofit organization to manage and restore wildlife on Turner's properties and adjacent public lands. Today TESF is working to reintroduce nearly two dozen species of animals, including Mexican wolves, red-cockaded woodpeckers, black-footed ferrets and Rio Grande cutthroat trout, to those lands. "You can already see the difference TESF has made on the overall health of the landscape," Turner remarks.

Of the 14 properties where restoration efforts are taking place, the Armendaris Ranch at the northern tip of the Chihuahuan Desert in south central New Mexico is among the more significant. University, state and TESF collaborations have created more projects than ranch manager Tom Waddell can keep track of. "Turner is the artist, but we're the painters," Waddell tells me in all earnestness as we rumble around the ranch in his pickup truck. Waddell, who was a biologist for the Arizona Game and Fish Department for more than 20 years, expresses unequivocal loyalty to the self-made billionaire, a trait common to most Turner employees despite the tycoon's sometimes controversial bluntness.

As we pull up to a flat plot cleared of tall grasses, TESF biologist Joe C. Truett, an expert in desert grasslands, points out where they have been working to reintroduce prairie dogs (similar efforts are also under way on five other Turner properties). Here academic scientists have been experimenting with ways to prepare the land for reintroduction. They have discovered that setting fires and mowing work equally well in getting rid of the long grasses that make the habitat unsuitable for prairie dogs.

For the scientists, the fact that the land is privately owned allows them to experiment on a scale impossible to create in the laboratory—and to do so without the bureaucratic red tape that often accompanies work on public property. "No cookbook exists for restoring land," Truett explains. "We plan restoration based on scientific knowledge but frequently adjust our plans as experience indicates the need, and Ted's okay with that." Such adaptive management is difficult for government agencies, according to Truett and

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## 80-1201

### Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS Article 12.--PRAIRIE DOGS, MOLESAND GOPHERS

**80-1201. Destruction of prairie dogs, moles and gophers; expense from general fund.** The township board of any township in this state, at any regular or special meeting, is hereby authorized to purchase material and to employ one or more suitable persons to destroy prairie dogs, moles and gophers within the limits of such township, any material so purchased and compensation for such services to be paid out of the general fund of such township.

**History:** L. 1901, ch. 273, § 1; R.S. 1923, 80-1201; L. 1965, ch. 548, § 1; June 30.

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*Senate Natural Resources Committee*  
*Date: March 25, 2003*  
*Attachment 1-1*

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## 80-1202

### Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS

#### Article 12.--PRAIRIE DOGS, MOLESAND GOPHERS

**80-1202. Eradication of prairie dogs; duties of township trustees; entry upon land, exceptions; assessment of costs.** In addition to the duties now prescribed by law for township trustees, in counties infested by prairie dogs, they may do and perform the following services: That the township trustees of the several townships in this state infested by prairie dogs may enter upon the lands so infested in their respective townships and make diligent efforts to exterminate all prairie dogs thereon. For the purpose of enabling them to carry into effect the provisions of this act, the trustees are authorized and empowered to employ all such assistance and to purchase the poison or such appliances and material as they may deem necessary to exterminate such dogs. The work of such extermination shall all be done under the supervision and direction of the trustees: *Provided*, That in any county having a population of more than four thousand (4,000) and less than five thousand two hundred (5,200) which contains no city of the second class and not more than two (2) cities of the third class, the trustees shall before entering upon the lands give written notice to any landowner who shall fail or refuse to make use of the materials offered or provided, that unless he or she endeavors to control such prairie dogs according to the methods prescribed by the board of trustees will, within fifteen (15) days after the date specified in the notice enter upon his or her land and use the necessary materials to eradicate the prairie dogs thereon; and the trustees or their agents, may thereafter enter upon the land and proceed to eradicate such prairie dogs.

After eradication of such prairie dogs, the trustees shall immediately notify the landowner or landowners with an itemized statement of the costs thereof, and stating that unless such amount is paid within thirty (30) days from the date of the notice, that the amount shall become a lien upon their real estate. If such costs are not paid within thirty (30) days they shall be assessed against the property of the landowner and the township clerk shall, at the time of certifying other township taxes to the county clerk, certify the costs of such eradication and the county clerk shall extend the same on the tax roll of the township against such property and said costs shall be collected by the county treasurer and paid to the township as other township taxes are collected and paid.

**History:** L. 1909, ch. 181, § 1; L. 1919, ch. 315, § 1; R.S. 1923, 80-1202; L. 1965, ch. 548, § 2; L. 1969, ch. 472, § 1; L. 1972, ch. 384, § 1; March 20.

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## 80-1203

### Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS Article 12.--PRAIRIE DOGS, MOLESAND GOPHERS

**80-1203. Same; report of expense to county commissioners; tax levy.** The trustees of the several townships infested by prairie dogs shall appear before the board of county commissioners of their respective counties at their annual meeting in August of each year, when they convene to make the annual tax levy, and make a report of the probable expense to exterminate the prairie dogs in their respective townships. And the commissioners of the respective counties, after receiving said reports, shall cause to be levied on real estate assessed for taxation in each township thus infested by prairie dogs the approximate amount estimated by the several trustees as herein provided, or any part thereof: *Provided, however,* That no assessment for this purpose shall be greater than seventy cents on each one hundred dollars valuation as herein provided.

**History:** L. 1909, ch. 181, § 2; April 3; R.S. 1923, 80-1203.

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## 80-1204

### Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS Article 12.--PRAIRIE DOGS, MOLESAND GOPHERS

**80-1204. Same; compensation of trustees and assistants.** The trustees of each township and their assistants shall receive as compensation for their services for the time actually and necessarily employed. Such compensation shall be paid only out of the fund of the county created by this act for that purpose and shall be in an amount determined by the township board as provided by K.S.A. 80-207, and amendments thereto.

**History:** L. 1909, ch. 181, § 3; L. 1919, ch. 315, § 2; R.S. 1923, 80-1204; L. 1996, ch. 184, § 9; May 2.

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## 80-1205

### Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS Article 12.--PRAIRIE DOGS, MOLESAND GOPHERS

**80-1205. Same; custody and disbursement of funds.** The township trustees shall be the custodians of the fund created by this act, and disburse the same on vouchers audited by the township boards at their regular quarterly meetings and warrants drawn on the treasurer for the same: *Provided*, That no part of this fund shall be subject to the payment of claims other than those specified in this act.

**History:** L. 1909, ch. 181, § 4; April 3; R.S. 1923, 80-1205.

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## 80-1206

### Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS Article 12.--PRAIRIE DOGS, MOLESAND GOPHERS

**80-1206. Same; payment of moneys to township treasurers.** The county treasurers of the several counties of this state are hereby authorized and directed to pay over to the several township treasurers of their respective counties all the moneys collected for the purpose designated in this act, in the mode and manner as other township funds are paid over to said township treasurers.

**History:** L. 1909, ch. 181, § 5; April 3; R.S. 1923, 80-1206.

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## 80-1207

### Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS Article 12.--PRAIRIE DOGS, MOLESAND GOPHERS

**80-1207. Same; surplus funds; use.** Whenever any township of this state shall have rid itself of the prairie dogs and there shall cease to be a necessity of any future procedure under this act (which question shall be determined by the board of county commissioners and the trustee of such township), the surplus fund, if any, in the hands of the township treasurers shall be merged into the general township funds of said townships and to be used for general township purposes.

**History:** L. 1909, ch. 181, § 6; April 3; R.S. 1923, 80-1207.

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## 80-1208

### Chapter 80.--TOWNSHIPS AND TOWNSHIP OFFICERS Article 12.--PRAIRIE DOGS, MOLESAND GOPHERS

**80-1208. Same; penalty for failure to perform duties.** Any township trustee or board of county commissioners failing to perform any of the duties imposed upon them by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof be subject to a fine of not less than fifty dollars nor exceeding one hundred dollars for each offense thus committed.

**History:** L. 1909, ch. 181, § 7; April 3; R.S. 1923, 80-1208.

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Amendment to HB2027

Page 2, Line 8 delete manage and  
Line 12 “ “  
Line 13 delete conserving, managing and  
Line 23 “ and protection  
Line 23-28 “ starting with species through line 28  
Line 29 “ or unmanaged  
Line 36 “ managed and  
Line 39 “ management and  
Line 40 “ start with consultation through end of line

P. 3, Line 2 delete management and  
Line 3 “ “  
Line 15 “ “  
Line 20 “ “  
Line 36 “ and management  
Line 41 “ management and  
Line 43 & “ “

P. 4, Line 1

P. 4, Line 6 “ “

Senate Natural Resources Committee  
Date: March 25, 2003  
Attachment 2