

MINUTES OF THE HOUSE WILDLIFE, PARKS AND TOURISM COMMITTEE

The meeting was called to order by Chairman Don Myers at 3:30 P.M. on February 16, 2005 in Room 241-N of the Capitol.

All members were present except:

Representative Patricia Kilpatrick- excused
Representative Margaret Long- excused
Representative L. Candy Ruff- excused

Committee staff present:

Hank Avila, Kansas Legislative Research
Dennis Hodgins, Kansas Legislative Research
Lisa Montgomery, Revisor of Statutes Office
Betty Caruthers, Committee Secretary

Conferees appearing before the committee:

Ron Klataske, Audubon of Kansas
Suzan Barnes, Business Owner
Rose Bacon, Tallgrass Ranchers
Margy Stewart
Michael Stubbs, Economic Development Council
Steve Swaffer, Kansas Farm Bureau
Mike Reece, Kansas Wind Coalition
Mike Beam, Kansas Livestock Association
Mark Smith
Brent Weinland, Howard Wilson Trust
Mike Hayden, Secretary, Kansas Department of Wildlife & Parks
Dan Ward, Kansas Wildlife Federation

Others attending:

See attached list.

Moved by Representative Hayzlett, seconded by Representative Grange for approval of Minutes of the House Committee on Wildlife, Parks and Tourism held on February 14, 2005 be approved.

Motion carried.

Chairman Myers recognized Dan Ward to present an amendment for **HB 2253** as follow up from Dan Ward and Dave Debenham, KC DAA, meeting together to:

1. Strike section on diversions
2. Sec. 3 paragraph 2 - third conviction be a class B non-person misdemeanor and fourth be a Class A non-person misdemeanor
3. Deletion of word 'or' replacing with 'and' as well as eliminating the words 'or both'
4. In statues 32-1002, 33-1003, and 32-1013 amend language that for the second conviction that it becomes a Class B non-person misdemeanor and the third becomes a Class A non-person misdemeanor. (Attachment 1)

Chairman Myers recognized Michael White of the Kansas County District Attorneys Association who stated they support the removal of a diversion paragraph submitted and that they will provide training to County attorneys on Wildlife laws. They also want to be informed of any County Attorney who may be too lenient with diversions and stated that they also would support increasing penalties.

Representative Oharah moved that **HB 2253** be passed as amended giving the Revisor some latitude on wording since she did not write the amendment. Seconded by Representative Mah.

Motion carried.

CONTINUATION SHEET

MINUTES OF THE House Wildlife, Parks and Tourism Committee at 3:30 P.M. on February 16, 2005 in Room 241-N of the Capitol.

Chairman Myers recognized Representative Oharah to present an amendment. His recommended changes included:

1. Page 3 lines 3, 8, & 13 in addition to the fine payment of restitution to the incarcerating facility of \$1,000
2. Line 8 same except fee \$2,000
3. Line 13 same except fee \$2,000
4. Also Revisor has latitude on language

Representative Ohara moved that the amendment be accepted. No second.

Motion failed.

Representative Flaharty moved to pass out **HB 2253** as amended favorably for passage. Representative Swenson seconded.

Motion carried.

Chairman Myers requested Representative Ohara to carry the bill.

Chairman Myers opened hearings on **HR 6016 - Resolution urging the Kansas congressional delegation to sponsor the Flint Hills National Heritage Area.**

Chairman Myers recognized proponents of **HR 6016** for testimony. All proponents of the bill followed the same general theme of protecting and preserving the beauty and peacefulness of the Flint Hills.

The following people testified:

- Ron Klataske (Attachment 2)
- Suzan Barnes (Attachment 3)
- Rose Bacon (Attachment 4)
- Margy Stewart (Attachment 5)
- Michael Stubbs (Attachment 6)

Written testimony only was submitted by the following:

- Dick Carter (Attachment 7)
- Thomas & Judith Schmitt, Susan & Mit Winter, Patricia King, Larry Patton, Jerry & Sue Ludwig, Darlene Wilds, Richard Dawson, Jacque Sundgren, Deborah Divine, Anne Wilson, Kim Casebeer, Pete & Sue Cohen, and Lori Nelson (Attachment 8)

Chairman Myers recognized opponents of **HR 6016**.

Chairman Myers recognized Steve Swaffer who expressed concerns that any plan should come from residents and local governing bodies in those affected areas and that any plan should not place any restrictions on the rights of private property owners. (Attachment 9)

Chairman Myers recognized Mike Reece who presented concerns as to the kinds of protections which might be built into the Flint Hills National Heritage Area that would impact how the land could be used. (Attachment 10)

Hearings on **HR 6016** were closed.

Chairman Myers asked the Revisor, Lisa Montgomery to incorporate the amendments brought forth by Mr. Klataske. The Committee would then work **HR 6016** on Monday, February 21.

Hearings were opened for **HB 2459 - Transfer of antelope permit by landowner or tenant to resident or nonresident.**

CONTINUATION SHEET

MINUTES OF THE House Wildlife, Parks and Tourism Committee at 3:30 P.M. on February 16, 2005 in Room 241-N of the Capitol.

Chairman Myers recognized Mike Beam to testify as a proponent for the bill. (Attachment 11)

Other proponents appeared before the Committee to testify on this bill.

They include:

Mark Smith (Attachment 12)

Steve Swaffer (Attachment 13)

Brent Weinland (Attachment 14)

Chairman Myers recognized Secretary Mike Hayden to testify as an opponent to **HB 2459**. His concern was that by this Legislation half of the antelope permits would be delegated to non-residents who have not been on any waiting list rather than to Kansans who have been on a waiting list for years. Secretary Hayden sees a solution being for non-residents in the area of archery. (Attachment 15)

Chairman Myers recognized Dan Ward who compared this bill to difficulties seen with the current system the State has for deer permits and did not want to go down the same path. (Attachment 16)

Written testimony only was submitted by Paul Babcock. (Attachment 17)

Hearings on **HR 6016** were closed.

Chairman Myers adjourned the Committee at 5:10.

Next meeting scheduled for Monday, February 21.

February 16, 2005

Dan Ward

The House Wildlife, Tourism & Parks Committee
c/o the Honorable Don Myers, Chair
Room 448-N
State Capitol Building
Topeka, KS 66612

Dear Representative Myers,

The Kansas Wildlife Federation and the Kansas County and District Attorney Association have pledged to work together to protect law-abiding sportsmen in Kansas by tackling the problem of poaching and illegal hunting.

We have pledged to work together to reduce the number of serious violators, who are career criminals who use illegal hunting as a monetary income, and who may previously have gotten diversions. The KCDAA will designate a liason for contact with wildlife officers, and KWF will work with the KCDAA to provide Continuous Legal Education for its membership around wildlife laws.

Additionally, we are encouraged by the comments from many of the Representatives on the Committee who have believe Kansas laws on illegal hunting are too lenient when compared to other states.

We propose the following amendments to HB 2253:

- 1) We propose striking the section on diversions entirely.
- 2) Section 3, paragraph 2: we propose making a third conviction or subsequent conviction to be a Class B Non-Person misdemeanor, with a minimum fine of \$1,000.
- 3) In the minimum sentencing provisions for repeat violators of KS 32-1032 in the draft of 2253, the bill has the word "or" after each minimum fine. We propose amending this with the word "and".

The minimum sentencing stays the same. This will allow the court to impose stiffer penalties than is now allowed by KS 32-1032.

- 4) The statutes of KSA 32-1002, 32-1003, and 32-1013 deal with wildlife crimes such as spotlighting, fishing with dynamite, and trespassing to hunt. In section 3, in the sections dealing

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with multiple violations of KSA 32-1002, 32-1003, or 32-1013, we would add the following language to the beginning of

(2): "A second conviction will be considered a Class B non-person misdemeanor."

and in (3) the section would start with: "A third or subsequent conviction will be considered a Class A non-person misdemeanor".

The rest of the language would remain the same.

Daniel Ward
Executive Director
Kansas Wildlife Federation

Michael White
For the Kansas County and District Attorney Association

**Statement of Support for House Resolution No. 6016
To the Committee on Wildlife, Parks and Tourism
Kansas House of Representatives**

Ron Klataske

**On behalf of Audubon of Kansas, and the Flint Hills Tallgrass Prairie
Heritage Foundation**

Mr. Chairman, Representative Myers, and other members of the Committee, we thank you for considering this resolution. We also thank Lisa Montgomery, Assistant Revisor for the excellent draft that she prepared based on the information provided.

Obviously, we strongly endorse this resolution as it is written or as it may be slightly amended and expanded to include additional values and area amenities worthy of inclusion. We couldn't have done better with an initial draft.

However, we are recommending that the third WHEREAS can be dropped to clarify the fact that National Heritage Area designation for a portion or all of the Flint Hills will not directly encumber intrusive (or complementary) developments in any way. Congressional designation is simply a way of posting and advertising a nationally prominent PRIDE banner over the Flint Hills of Kansas, and a way of communities to qualify for funding appropriations directed to the NHA system.

We do not want to raise unnecessary concerns of anybody who might be inclined to fear that NHA designation would restrict land use in any way. It wouldn't, and it hasn't on any of the other 24 National Heritage Areas established throughout the country.

I am offering eight potential positive WHEREAS statements to substitute for or to precede the third WHEREAS. They are as follows:

WHEREAS, in 1967 the Kansas Legislature passed a bill establishing the **Prairie Parkway** extending from the Pony Express Station in Washington County south through the Flint Hills to the historic cattle town of Elgin in Chautauqua County to highlight the pastoral scenes, ranchland stewardship and rural communities along this route; and

WHEREAS, six states (Minnesota, Iowa, Missouri, Kansas, Oklahoma and Texas) with support from the Federal Highway Administration and leadership in Kansas

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provided by the Kansas Department of Transportation, have formed a partnership to establish the **Prairie Passage**, designating highways from Mexico to Canada to showcase the cultural and natural heritage within the tallgrass prairie region, with two routes in Kansas with one featuring the Flint Hills region from Emporia to Arkansas City and the other including the adjacent Chautauqua Hills; and

WHEREAS, the scenic, cultural, natural and historic importance of the Flint Hills have been recognized by the State of Kansas through its designation of K-177 from Council Grove to Cassoday as a Kansas **Scenic Byway** to preserve, promote and enhance the byway corridor for residents and visitors to enjoy both now and in the future; and

WHEREAS, the Congress of the United States established the 10,894 acre **Tallgrass Prairie National Preserve** in 1996 and it is being developed as a unit of the National Park Service system of preserves, with additional diminutions of interpretative programs on the historical ranchstead and country school and history of early settlement and ranching, elements that would allow the facility to serve as one of several flagship attractions for a Flint Hills NHA; and

WHEREAS, many communities within the Flint Hills, from Sedan to Cottonwood Falls, Council Grove, Alma, Manhattan, Waterville and Marysville are actively enhancing cultural and historical features of interest to Kansas residents and visitors from throughout the country and world; and

WHEREAS, the Kansas Turnpike Authority offers millions of travelers a glimpse of the impressive Flint Hills landscape, features displays on the area at service areas and with a publication on Kansas tallgrass prairie plants and wildlife, and provides a gateway to the many attractions that are in close proximity to this interstate; and

WHEREAS, individuals within the region have developed opportunities for **experiential travel** including involvement with traditional ranching operations, wagon train trips, camping in a prairie landscape, nature appreciation, fishing, hunting and other activities on public and private land; and

WHEREAS, the Kansas Department of Transportation and the Kansas Division of Tourism are working with Audubon of Kansas to establish a **Tallgrass "Prairie Parkway" Birding and Natural Heritage Trail** to serve as a guide for residents and travelers to visit approximately 150 sites within the Flint Hills and Chautauqua Hills that have scenic vistas, trails and outdoor recreational

opportunities, along with habitats to observe, photograph and enjoy birds and other wildlife, wildflowers and native grasses; and

WHEREAS, the Flint Hills possesses sites and historic structures important in recognition of the culture of Native Americans; and

As an attachment I am also providing a brief overview of the Native American cultures prepared by Ronald Dane Parks of Council Grove, and three eras of cattle ranching in the Flint Hills provided several months ago by Jim Hoy. This material was provided for inclusion in the publication and website devoted to the Tallgrass Birding Trail and Natural Heritage Trail.

Flint Hills Historical Eras

Post-European settlement Flint Hills history can be divided into three segments, each one associated with the way cattle are transported into the Hills. The earliest of these segments, the Open Range Trail Drive Era, began with the opening of the Santa Fe Trail 1821 and hit its peak in the big Texas-to-Kansas trail drives that followed the Civil War. During that time all the cattle coming into the Flint Hills were driven overland, although most left for eastern markets by train.

The second phase of Flint Hills history, the Railroad Era, began around 1890 (a little before in some places, a little after in others) and would last for some three-quarters of a century. During this era cattle were loaded on trains in Texas in the spring, unloaded for the summer grazing season in the Flint Hills, then shipped on by train to markets in Kansas City, Omaha, and Chicago.

The third and current period of Flint Hills history is the Trucking Era, which overlaps with the later years of the Railroad Era. Around the time of World War II and lasting until the early 1960s most cattle came into the Flint Hills by train, but often left on semi-tractor-trailer trucks. From the mid-1960s to the present, especially with the introduction of the tri-level pot-belly semis, trucks have taken over all shipping into and out of the Flint Hills. Today nearly all the railroad stockyards in the Flint Hills have been torn down for salvage. Only those at places like Matfield Green, Diamond Springs, and Sallyards have survived and those in various states of disrepair.

Native Americans in the Flint Hills

At the time of the Lewis and Clark expedition two tribes--the Kansas (or Kaws) and the Osages--controlled the Flint Hills. These tribes shared the same language (southern Siouan), culture, and geographical source, having migrated from the Ohio River valley to the Great Plains in the 16th and 17th centuries. The Kansas eventually settled along the Kansas River while the Osages established their villages on the Osage River in present southwest Missouri.

Most of the Kansas lived in the Blue Earth Village near present Manhattan from 1800 to 1830. Then the tribe fractured into three villages established near Topeka. Following the treaty of 1846, Kansas came to live on a 20-mile-square reservation on the upper reaches of the Neosho River valley. Here the 1600 Kansas established three villages located on the Neosho River three, seven, and ten miles downstream from Council Grove. Life on this reservation was difficult, the tribe suffering greatly from disease, destitution, and demoralization. By the time the U.S. government ordered the Kansas to relocate to a new reservation in present northern Oklahoma only 600 Kansas remained. Just prior to his peoples' exile south, head chief Al-le-ga-wa-ho spoke these words to the U.S. secretary of the Department of the Interior: "Great Father, you whites treat us Kansas like a flock of turkeys--you drive us to one stream, then you drive us to another stream, then you chase us to another, so soon you will chase us over the mountains and into the ocean."

The more populous and powerful Osages, numbering four to six thousand, controlled a vast region including southern Missouri, northwest Arkansas, northeast Oklahoma, and southeast and southcentral Kansas. Like the Kansas, the Osages subsisted primarily by hunting supplemented by horticulture and wild plant gathering. Both tribes lived in earth lodges and bark-and-mat lodges. Each year these tribes abandoned their villages to journey west for an extended bison hunt on the plains. Prior to the treaty of 1846, Council Grove marked the approximate and informal boundary between the two tribes, the Kansas controlling land to the north and the Osage to the south. By the early 1870s the Osages' land holdings had been reduced to a reservation in present northern Oklahoma.

Suzan Barnes

I am the owner of a business in Chase County, specifically Cottonwood Falls, that relies primarily on tourism. I have The Grand Central Hotel and Grill – just starting our tenth year. I have been in the travel and hospitality business for over 35 years, first as a travel agent concentrating on “outbound” travel and now as a hotel and restaurant owner relying on “inbound” travel. Inbound travel is somewhat new for Kansas. As testimony, our state Travel and Tourism Division recently partnered with an agri-marketing company to help the state develop a sustainable agritourism plan; and all over the state, we’re cashing in on our cowboy heritage. In addition, more than half of the 1200-mile route of the Santa Fe Trail lies within the boundaries of Kansas.

I grew up in the Flint Hills. I have always felt the region’s beauty. So, when I started The Grand Central Hotel in 1995, there were some that thought it wouldn’t work. Why would anyone want to come to a small town and start a business? But I knew it would work, primarily because of corporate demand for getting away from the chrome and glass meeting rooms in the cities – and for the fact that we no longer LIVE TO WORK. WE NOW WORK TO LIVE. As you know from growing up, your parents saved for years to take a once-in-a-lifetime trip. Travel was a luxury. Now, it is a given. People work hard and want to escape on the weekends to unknown places – places not like where they are from – places that don’t look like their neighborhoods. We need getaways. We need to feel PLACE and not placement....a sense of discovery. A sense that no one was here before me. For many, The Flint Hills is the answer....*even* the most remote corners of our counties. We have become a destination, not just for Kansans but for people from all over the world. We are not just a destination for travel, either. Increasingly, Americans are saying that the place they live is as important as what they do for a living, so much so that they are willing to relocate to a “better” community, even at the risk of diminished job opportunity or income.

So we wonder what this means to the Flint Hills? To start with, The Kansas Department of Transportation’s Scenic Byway Program chose the 45-mile corridor between Cassoday in Butler County and Council Grove in Morris County as the number one most scenic drive in Kansas. Thus, it became the pilot program for Scenic Byways. Between 1993 and 1998, tourism in Butler County increased by 173%, 2017% in Chase County, and 234% in Morris County, and has continued to increase annually. These tourism economic impact figures are in part due to the beauty of our Flint Hills. In fact, the motto of the Flint Hills Scenic Byway is “see it like it is and leave it like it is.”

Obviously, tourism in The Flint Hills has had a direct economic impact on businesses. There are communities that have been involved in tourism for some time now – there are communities that are new at it. Regardless, we are all directly involved in people fulfilling dreams. For many, their dream came from driving the turnpike from Wichita to Topeka, dreaming of riding a horse across those beautiful hills. Others dream of getting off the beaten path on a wagon train and watching our glorious sunsets or attending a chuckwagon dinner and sing-a-long. Through tourism, we fulfill these dreams. We remind them to listen to the quiet, gaining a little respite for their souls. Some are tourists and some are adventurous travelers. Regardless, they love the Flint Hills. They tell us that they want the Flint Hills as they are today, as their last frontier close by. By supporting this resolution, we could begin the process of offering our Flint Hills as a national treasure.

Mr. Ted Eubanks of Fermata, Inc., a national tourism consultant, speaks often on the economic impact of tourism in the Flint Hills. He has offered a study recently released from The Blue Ridge Parkway in North Carolina. He states, “This is one of the few surveys that actually can be applied, if only generally, to The Flint Hills and other scenic regions of Kansas.” This survey highlights the economic importance of The Blue Ridge Parkway in North Carolina. In dollar terms, the scenic views along the Blue Ridge Parkway are worth upwards of \$5 billion a year to the visitors who enjoy them, and preserving the integrity of these views would net the state’s tourism economy hundreds of millions of dollars annually. That is according to the

2002 North Carolina Scenic Experience Survey of 640 visitors to discover what value visitors place on viewing scenes along the parkway.

According to the research team, visitors attach annual values of \$468-519 per person to experiencing the views along the parkway. This represents the cash value that visitors indicated would justly compensate them for the loss of the experience of viewing the scenery. Statistically, about ¼ of the respondents said they would decrease their visits if the scenic quality declines, with a potential loss of revenue of over \$3 billion to adjacent communities. If scenic quality stays the same, 88% of the respondents said they would increase the number of times they visit each year. Respondents reported spending an average of \$170/day/visitor. So, more frequent visits would generate more dollars. The study found that just because visitors don't directly pay for the scenic beauty of the region doesn't mean that they have no value for it and that what visitors are taking home in their minds is as valuable as what they are spending in the communities while there.

In essence, policies promoting heritage preservation do not hinder economic growth and development. In fact, they often advance it.

Further, Mr. Eubanks states that Kansans need to define our "zone of influence" – our turf – our flint hills. What are our natural, cultural and historical influences? Kansas has the Flint Hills. This is our Grand Canyon, our Shenandoah Valley, our Blue Ridge Parkway.

According to Deborah Divine of the Kansas Scenic Byway Program, a recent national tourism survey found that travelers are making more trips of shorter duration, with concerns for safety and the environment. In addition, some of the most important travel interests are nature, heritage, and outdoor travel. Nature, Heritage, Outdoor. Three important travel interests. Globally, nature travel has been growing at an annual rate of 10-30%. These people are environmentally sensitive, want to see and experience nature and want to explore pristine and relatively untouched places. So we know that there is a strong connection between tourism and the environment.

We also know that heritage tourism has three goals – economic development, preservation, and education. Heritage area efforts are grounded in a community's pride in its history and traditions. Preserving the integrity of the landscape, local stories, and understanding of our area can and will define who we are. We know that heritage travelers spend more money, stay longer, and come back more often.

Over the past ten years, Chase County tourism has grown without destroying the character of our community. This is due to careful planning and recognizing our zone of influence. Successful small communities can craft economic development policies around their distinctive assets, whether it be a mountain range, valley or a cultural heritage like the Flint Hills has.

We are just getting started with economic survival through tourism. Although we aren't there yet, we have the GOLDEN OPPORTUNITY not afforded other states to do it right – to do so much by doing so very little. THE MORE A COMMUNITY COMES TO RESEMBLE "ANYPLACE, USA" THE LESS REASON THERE WILL BE TO VISIT. We have the honor of living in a place that is not like anywhere else. We want everyone to enjoy us as we are today.

I urge you to support the designation of the Flint Hills as a National Heritage Area.

Respectfully submitted
Suzan Barnes
Grand Central Hotel
Cottonwood Falls

Statement in Support of the Flint Hills National Heritage Area.....by Rose Z. Bacon

The Flint Hills comprise the last largest contiguous acreage of Tallgrass Prairie left in the North American Continent. Of the 142 Million acres of original native Tallgrass Prairie, less than 4% is left and two thirds of that is in the Flint Hills of Kansas.

But those are numbers and statistics, and while they are important because they show how much we have lost and how much we need to value what we have left, numbers and statistics don't tell you what the Flint Hills really are.

The Flint Hills comprise the sparkling carpets of new fallen snow in the winter, decorated with frosty trees and bushes where everything is painted with a fresh coat of white. The wonderland of winter conceals the rocks and grasses. At the same time, the fresh snow reveals the stories of animal activities that would otherwise be unknown. It's a time of cold arctic blasts of wind when no one can stay warm and ranchers struggle to keep their cattle fed and protected. Interspersed with those bone chilling days are the late winter days when flocks of geese wing their way north while warm winds blow in, thaw the ground, melt the snow, and give us the promise of spring.

The Flint Hills make up the land that goes up in flames each spring in the annual rite of pasture burning. The long snakes of orange flames turn the hills black, making them appear desolate and destroyed to the casual onlooker. But in just few days, and with a few warm spring rains, the hills are renewed with lush green grass that carpets the land, making it look like a well-manicured park. Tiny spring wild flowers peek through the grass to be followed by an unending variety of flowers in dozens of colors, each in their own season. Wild violets, indigo, wild roses, verbena, primroses, lobelia, purple spike gayfeather, cone flowers and sunflowers all take their turn decorating the prairie.

The Flint Hills are part of the ranching culture that is alive and well in this native prairie. The cattle that graze this native prairie, the ranchers and cowboys that care for them and make their living here comprise a heritage that begin centuries ago and continues today. Well managed ranchland has been part of the State's largest agricultural industry for centuries, ever since the first herds from Texas traveled across these hills and ranchers realized this lush grassland was a treasure for the cattle industry. The ability to both preserve the land while making it productive by good grass management is a very unique and rare aspect of good land management and has been crucial to keeping the Flint Hills as a valuable grass resource unmatched anywhere in the world.

The Flint Hills are the hot dry winds that blow across the open pastures in the summer where cattle graze the native grasses putting on valuable pounds. The prairie is an endless undulating sea of grass that reaches for the horizon and blends with it in blue/green haze. Because of the limestone that gives the soil its high calcium content, the native grass grows strong, enabling it to sink its roots through the few inches of topsoil and deep into the rocky subsoil where they can tap into the water trapped in the layers of rock. The trees lining the creeks in those pastures provide welcome shade and refuge for the deer,

bobcats, coyotes, and dozens of other species of wildlife and birds that call this grassland their home. All nature and wildlife is intertwined in this complex ecosystem.

The Flint Hills geology contributes to the quality of water found in this region. The water that has been filtered through layers of limestone and flint, bubbles up in clear springs and cascades down rocky steps into cool streams as pure as any water in the country. The streams and ponds provide homes for native fish and waterfowl that need this country as a refuge. The loons, ducks, and geese that swim on the ponds, the herons that stalk along the water's edge looking for fish, the prairie chickens that boom on the ridge-tops, the red-tailed hawks, turkey vultures, and eagles that soar through the clear blue skies, all need this land of open spaces and vast horizons to survive.

The Flint Hills are the russet and gold-spun hills that glow with the setting sun on late fall afternoons and then cloak themselves in shadows after a fiery sunset. The sumac makes a dramatic red accent for the gold hills in the fall, mixing its fiery red leaves with the yellow of the cottonwood as they drift into the creeks and streams. The nighthawks that soar in the skies during these sunset evenings add the music of their flight to the rustling of the grasses in the wind, the call of the mourning doves, and the plaintive cry of the whip-poor-will. Huge flocks of migrating birds seek the solitude of the pastures and ponds to rest during their long journey south, a vital part of their life cycle.

The Flint Hills are a living textbook of history filled with chapters of Native Americans, their villages, and the reservations. The buffalo wallows of the great bison herds are still evident on the grasslands. The chapters on the history of the first settlers is still visible in the cattle trails, the wagon ruts of the Santa Fe Trail, stone buildings and fences that wind along pastures and roads. The native grasslands, the swirling clouds above the vast horizons, the endless seasons remain as they have been for centuries.

The Flint Hills are truly a unique cultural, ecological, scenic, and historic heritage. They are our inheritance from generations past who valued the land above all else. But more than that, the Flint Hills are the legacy we can leave for the future. Our children and generations yet unborn deserve the chance to experience this natural resource that is unique. Nowhere else in all the world does this particular combination of nature, culture, ecology, vast open spaces and history come together in such a complex combination as we have right here in the Flint Hills of Kansas.

I ask you to recognize them as the treasure they are by designating the entire Flint Hills region as the Flint Hills National Heritage Area.

Thank you for your time and attention.

Rose Z. Bacon
1181 Four Mile Road
Council Grove, KS 66846

Rancher
Tallgrass Ranchers
Protect the Flint Hills

Ph. 620-767-7048 email>rkcattle@excite.com

Margy Stewart

My name is Margy Stewart, and my husband and I own several hundred acres of native prairie on McDowell Creek in Geary County, in the northern Flint Hills. Several years ago, we started an educational non-profit organization called Prairie Heritage through which we invite youth and adults to hike and camp on our land to learn about the tall grass prairie. We are also involved in research about the peoples who have lived on the tall grass prairie before us. We want our visitors to get a sense of the weave of stories connected to the land. The National Heritage Area designation for the Flint Hills would encourage people throughout the region to preserve both the land and the stories, thus making "prairie heritage" more and more a palpable reality. (Our operation is described at <http://www.prairie-heritage.org>.)

I am also secretary of our McDowell Creek Community Association, and in that capacity, too, I strongly support the National Heritage Area designation for the Flint Hills. Such a designation would provide a boost to what we are trying to do in our community. For example, you may have heard of the Homage to the Flint Hills art show that has been touring Kansas this year. Our community association is organizing guided heritage tours of McDowell Creek to coincide with the art show's presence in Junction City in March. The tours are fundraisers for our community center and a boon to our cottage industries, as local artisans will have an opportunity to sell and advertise their wares. In this way, the beauty of the prairie reinforces our community which in turn supports the economic well being of its individual members. National Heritage Area designation would enhance this mutually reinforcing process, and it would do so almost immediately in a very practical way. For a long time our community association has wanted to create a self-guided tour of our valley by putting up plaques and signs marking our historic barns, old stone houses, settlers' cemeteries, and one-room schools. If the Flint Hills receives National Heritage Area designation, we would be eligible to apply for Park Service grants to do exactly that.

The dynamics at work in our small ranching and farming community are a microcosm of what's happening throughout the Flint Hills. National Heritage Area designation would highlight the beauty of the land and the uniqueness of Flint Hills cultures, making more people want to visit the Flint Hills, and thus immediately boosting the nascent agritourism and eco-tourism enterprises. National Heritage Area designation would help the Flint Hills emerge as a spiritual gift to visitors and an economic resource for those who live there.

Thank you for your attention.

House Members

Good afternoon, my name is Michael Stubbs and I live in Mill Creek Township in Wabaunsee County. I am a member of the Wabaunsee County Historical Society and have been its representative in the formation of the Bleeding Kansas Enduring Struggle for Freedom National Heritage Area. I am also a member of our county's economic development council.

In completing all the paperwork necessary to attain National Heritage Area status for the twenty-three counties comprising the Bleeding Kansas National Heritage Area, I secured the endorsement of a number of groups in Wabaunsee County including our County Commissioners. I am confident that the same support will be extended to the Flint Hills national Heritage Area.

As I hope you are aware, the Flint Hills are known internationally as the last stand of the once vast Tallgrass Prairie. They are as unique as the rain forests of the Amazon. Ninety-six percent of this ecosystem has become extinct. We Kansans are the stewards of the last 4%.

I believe that National Heritage Area status would provide a mechanism for economic development advocates in the Flint Hills region to organize and market the regions economic potential. The benefits are many. Communities working together can have nothing but positive results.

Michael Stubbs
23340 Rockton Rd.
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**STATEMENT OF SUPPORT
HR 6016**

**Travel Industry Association of Kansas
Dick Carter, Executive Director**

**House Committee on Wildlife, Parks and Tourism
February 16, 2005**

Chairman Myers and members of the committee, my name is Dick Carter and I serve as the executive director for the Travel Industry Association of Kansas (TIAK). TIAK is a private, non-profit association dedicated to the promotion and development of travel and tourism in Kansas. Our mission is to speak with a unified voice for the travel industry in Kansas. Our membership is comprised of Convention & Visitor Bureaus, Chambers of Commerce, attractions, lodging properties, museums, restaurants, sporting events, festivals, and other businesses affiliated with the promotion of tourism in our state.

I would like to offer comments to HR 6016 from the viewpoint of the tourism industry as it relates to tourism in the Flint Hills. The resolution addresses the magnificent qualities and attributes that Kansans appreciate about the naturally occurring phenomenon called the Flint Hills – in fact the list could probably be endless.

In as much as the resolution describes the reasoning for the request to Congress to designate the Flint Hills as a national heritage area, we must first address the process which is required to be undertaken prior to congressional designation of a natural heritage area. The National Park Service (NPS) lays out a four-step process, which they refer to as “critical steps” in the quest to become a national heritage area. They are: 1. Completion of a suitability/feasibility study; 2. Public involvement in the suitability/feasibility study; 3. Demonstration of widespread public support among area residents for the proposed designation; and 4. Commitment to the proposal from key constituents, which may include governments, industry, and private, non-profit organizations, in addition to area residents. The NPS also suggests 10 additional components that are helpful in assessing whether an area may qualify as a national heritage area (document attached).

While many groups have begun the discussions to initiate this type of project, they have been somewhat regional in nature and do not take into consideration a comprehensive coordinated effort including all potential partners in the Flint Hills region. Additionally, the Kansas Department of Commerce Travel & Tourism Development Division is currently under contract with the research group of FERMATA, Inc., to delineate a zone of influence within the larger Flint Hills region which contains specifics and the best possible opportunities for sustainable economic development related to the nature, culture and history of the region. This study is anticipated to be concluded by the end of summer 2005; and while not considered a feasibility

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study with respect to the NPS designation criteria, this report will serve as a key component in decision making from the state's standpoint. It is also conceivable that the report would contain information that would be appropriate for inclusion in the feasibility study, thus serving as a time and money saving component.

Recently, a similar grassroots effort was undertaken to seek a similar designation in the northeast part of Kansas – called “Bleeding Kansas” taking its name from the events leading up to, during and after the Civil War. This effort undertaken by this group was by no means an overnight process for achieving their goal of designation. TIAK believes that the model used by this group, under the leadership of Judy Billings, Lawrence, should serve as a model for developing the process to seek the designation of the Flint Hills as a national heritage area.

We applaud the passion of those involved with the requesting of the resolution and agree with its message, but think it may be a little premature in the order of events that must first come before.



Critical Steps

The National Park Service has outlined *four critical steps* that need to be taken prior to congressional designation of a national heritage area. These steps are:

1. Completion of a suitability/feasibility study;
2. Public involvement in the suitability/feasibility study;
3. Demonstration of widespread public support among heritage area residents for the proposed designation; and
4. Commitment to the proposal from key constituents, which may include governments, industry, and private, non-profit organizations, in addition to area residents.

Suggested Criteria

The following components are helpful in assessing whether an area may qualify as a national heritage area. *A suitability/feasibility study should include analysis and documentation that illustrates that:*

1. The area has an assemblage of natural, historic, or cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed as such an assemblage through partnerships among public and private entities, and by combining diverse and sometimes noncontiguous resources and active communities;
2. The area reflects traditions, customs, beliefs, and folk life that are a valuable part of the national story;

3. The area provides outstanding opportunities to conserve natural, cultural, historic, and/or scenic features;
4. The area provides outstanding recreational and educational opportunities;
5. Resources that are important to the identified theme or themes of the area retain a degree of integrity capable of supporting interpretation;
6. Residents, business interests, non-profit organizations, and governments within the proposed area that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants including the federal government, and have demonstrated support for designation of the area;
7. The proposed management entity and units of government supporting the designation are willing to commit to working in partnership to develop the heritage area;
8. The proposal is consistent with continued economic activity in the area;
9. A conceptual boundary map is supported by the public; and
10. The management entity proposed to plan and implement the project is described.

For more information, visit our website:
<http://www.cr.nps.gov/heritageareas/>

Proponent Testimony for HR 6016

We are strongly in support of this resolution regarding a request for congressional support for designation of the Flint Hills as a National Heritage Area.

While not registered voters in the state of Kansas, we are both native Kansans, currently own property in Wabaunsee County, KS, pay property taxes to that entity, spend a great deal of time at our Kansas property each year, and, for several reasons, have strong feelings against the idea of wind turbines being located anywhere in the Flint Hills of eastern Kansas.

In the past forty-five years we have lived in nine different states: Kansas, Iowa, Michigan, back to Kansas again, Pennsylvania, Illinois, California, Arkansas, Tennessee, North Carolina, and back to Tennessee again. Nowhere have we encountered an area such as the Flint Hills of Kansas, the treeless rolling prairie is unique and it is beautiful. We delight in taking friends with us to the Flint Hills to visit, and observing their astounded reactions to the terrain!

We cannot believe the legislators of Kansas would seriously contemplate allowing wind turbines to dot the terrain of the Flint Hills. If there is any reason to doubt the ugliness of such an idea, all one has to do is observe the hills and mountains west of Palm Springs, CA, to understand the wind turbines are an abomination and a desecration of the land.

We support anything that will protect the natural beauty of the Flint Hills, including House Resolution No. 6016. Thank you for reading our opinions on this issue.

Thomas E. Schmitt
Judith M. Schmitt
276 and 275B East Flint Hills Drive
Alma, KS 66401

I am in support of the Flint Hills National Heritage Area. I am encouraging every legislator to protect the beauty of the last natural tall grass prairie in the United States. There are many areas in the state of Kansas that wind farms could be encouraged and promoted that will not disturb the Flint Hills. This area is a national treasure and can't be spoiled by greed in the name of conservation!

Please include my husband and I as supporters of the Flint Hills National Heritage Area.

Susan and Mit Winter
2448 SW Pepperwood Rd.
Topeka, KS 66614

(We also own property at Lake Wabaunsee which is located in the Flint Hills)

People come from throughout the world to experience the distinctive culture and unique Tallgrass Prairie ecosystem that exists in our Kansas Flint Hills. The Flint Hills region is the last remaining significant Tallgrass Prairie in America and should be designated as a National Heritage Area. I ask you to encourage this designation by supporting House Resolution #6016 regarding the request for congressional support for designation of the Flint Hills as a National Heritage Area. Thank You.

Larry R. Patton, President
Protect The Flint Hills
5694 N.W. 50th
El Dorado, Kansas 67042
>620-752-3455

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Proponents Testimony for HR 6016 (cont 2)

We are schoolteachers from Indiana who chose to retire in the beautiful state of Kansas. We were most fortunate to buy a small farm in the Deep Creek Valley of the Flint Hills. If any of you have been through here you have seen what we call our little bit of heaven on earth.

Our property abuts the British pastures which the wind industry calls a "sweet spot" for the harvesting of wind energy. The British pastures are a "sweet spot" because of the prairie sod, the pure spring water that run down our ravines, the abundant wildlife, and the vast sky overhead where we love to gaze at the stars.

As legislators, you have a rare opportunity to preserve the Flint Hills so the generations to come will be able to see for themselves the magnificence of a true prairie. Therefore we urge you to support proposal 6016 for us and our posterity.

Jerry and Sue Ludwig
5180 Deep Creek Rd.
(785) 537-6121

Travel industry research indicates that tourists now seek "real" experiences, where they can enjoy the scenic beauty of our country, experience the great outdoors, ranch life, watch wildlife, and learn about our culture and history by walking among historic districts. The Flint Hills of Kansas offers these experiences and more.

The Kansas Scenic Byways Program has recognized the importance of the Flint Hills by designating a portion of K-177, between Council Grove and Cassoday as a Kansas Scenic Byway. We have developed brochures, a website, and numerous other interpretive pieces for our byways to serve to entice travelers, both from Kansas and from out-of-state, to experience the richness of our state. The Flint Hills Scenic Byway is an outstanding example of the beauty that is Kansas. An interpretive overlook on the Flint Hills Scenic Byway has won a national award from the American Association of State Highway and Transportation Officials and the National Scenic Byways Program, as an outstanding best practice providing additional information about the Flint Hills to augment the travelers' experience and enjoyment of the area. The local byway committee is also pursuing National Scenic Byway designation at the present time.

We support your efforts to have the Flint Hills designated a National Heritage Area and encourage passage of Resolution 6016.

If you have questions or would like additional information, please do not hesitate to contact me.

Deborah Divine
Program Manager
Kansas Scenic Byways Program
Bucher, Willis & Ratliff Corporation
609 West North Street
Salina, KS 67401
785-827-3603 (voice)
785-827-3029 (fax)
1-800-684-6966
ddivine@bwrcorp.com

Proponent Testimony for HR 6016 (cont 3)

I am strongly in favor of designation of the Flint Hills Natural Heritage Area. While we have preserved a few pieces of natural grasslands in Missouri, there is nowhere but Kansas where we can look over the entire sweep from horizon to horizon of the prairie lands the native Americans and the Euro-American pioneers experienced. Of course, it is mostly used for grazing cattle, but the great vistas and the near at-hand beauty and complexity of the flowers and insects of the ecosystem remain, and anything that can attract attention and appreciation of the Flint Hills should be supported by all Kansans as well as all citizens of the United States and indeed of the planet. I have had the pleasure of introducing urban and suburban students to the wonders of the Flint Hills, and I hope future generations have the same opportunity.

Richard G. Dawson, president
Greater Kansas City Science Teachers Association

I would like to express my support for House Resolution No. 6016. The Flint Hills is truly a National Heritage and should be designated as such. We are the third generation of the family farm located south of Cassoday. We take our stewardship of the Flint Hills seriously and plan on the fourth to follow in our footsteps. Please help us preserve its future.

Jacque Sundgren
12602 NE 60th
Rosalia, KS 67132
620-476-2476

Would it be helpful to mention the Tallgrass Prairie National Preserve in your arguments? The legislation to declare 10,894 acres of the Tallgrass Prairie as a National Preserve was passed in 1996, and is managed cooperatively by the National Park Trust and the National Park Service. This Preserve should serve as a testament to the increasing interest in preserving the Tallgrass Prairie's unique place in American history. The Flint Hills National Heritage Area would only strengthen this testament and the economic benefits of tourism.

I am an artist, grew up in Marion County, and have lived in and around the Tallgrass Prairie all my life. It was the Prairie that began my desire to paint the landscape and continues to influence my work today.

Kim Casebeer
913-322-3236
kimcasebeer@everestkc.net

38382 Sycamore Creek Road
Alta Vista, Kansas, 66834
785 499 6428

You may remember receiving a letter from us in October 2004 before the election concerning the Flinthills and the potential devastation that would be caused by arrays of 400 foot tall wind turbines sited there.

We are again asking for your attention to saving this unique and beautiful area of the North American continent most of which is in Kansas. The wildlife and native grasses are at great risk. If the Flinthills could be

Proponent Testimony for HR 6016 (cont 4)

designated a National Heritage Area they might have a better chance of surviving

Please support House Resolution 6016 requesting congressional support
for designating the Flinthills as a National Heritage Area,

We are sorry we cannot attend the hearing this afternoon.

Pete and Sue Cohen

I am writing to support the designation of the Flint Hills as a National Heritage Area. I ask that you please support House Resolution #6016 regarding the request for congressional support for this designation.

My husband and I ranch west of Elmdale in Chase County and I am also a high school teacher. From my perspective as a resident of the Flint Hills, having hosted many out-of-town guests and also having traveled myself, I sincerely believe the Flint Hills are unique among landscapes of the United States. They definitely merit this recognition, and having this designation would help us highlight our fascinating rural history and culture and our breathtaking landscape. Thank you for considering this request and for your public service.

Anne B. Wilson

Five Oaks Ranch, RR 1 Box 53, Elmdale, KS 66850

620-273-8301

I am writing to voice my support for House Resolution No. 6016 Regarding: Request for congressional support for designation of the Flint Hills as a National Heritage Area.

Unfortunately I will be unable to attend the meeting tomorrow but want to be sure that the committee has my name added to the many Friends of the Flint Hills who are supporting protection of the unique piece of our nations' natural resources and history.

Patricia King

4301 Deep Creek Road

Manhattan, KS

Please add my name in support of a House Resolution for a Flint Hills National Heritage Area. Thank you, Darlene Wilds, 4181 Deep Creek Rd., Manhattan, Ks. 66502

I want to express my support for House Resolution 6016, relating to the proposed designation of the Flint Hills National Heritage Area. As a frequent visitor to the Kansas Flint Hills, I believe that there is no other place like it in the world. The Flint Hills is a special place that should not be despoiled by 400-foot-high wind turbines. A big part of the Flint Hills experience is the panoramic view of the Hills. Allowing construction of the wind turbines would take this experience away. Wind turbines can be located elsewhere, but the Flint Hills can't. Please do whatever you can to support the many local Flint Hills residents who understand this and are working to protect this special natural treasure.

Lori Nelson



Kansas Farm Bureau
POLICY STATEMENT

House Wildlife, Parks and Tourism Committee

**Re:HR 6016 A resolution urging the Kansas congressional
delegation to sponsor the Flint Hills National Heritage Area**

February 16, 2005

Submitted by:

Steve M. Swaffar

Director of Natural Resources

Chairman Meyers and members of the committee, thank you for this opportunity to provide testimony today in opposition to HR 6016. I am Steve Swaffar, Director of Natural Resources for the Kansas Farm Bureau. KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations.

HR 6016 urges our congressional delegation to sponsor a National Heritage Area in the Flint Hills region of Kansas. KFB is not opposed to National Heritage Areas and we are not necessarily opposed to the establishment of a National Heritage Area in the Flint Hills region, or some part thereof. We do however, have concerns about the potential impacts on private property owners should a National Heritage Area be established. We believe the introduction of this kind of resolution and request for a National Heritage Area should be the result of local residents and governing bodies making such a request. If a recommendation of this type were to be put forward we would have more confidence that local citizens and organizations would have had an opportunity to express their concerns and wishes in regards to the establishment of a National Heritage Area. We also believe it might be in the best interests of this Committee to more fully explore the ramifications of this type of designation before acting on this resolution.

National Heritage Areas require the development of a management plan the implementation of the plan is then left to local officials and willing organizations and individuals. Although the sponsors of this resolution do represent some local interests, the Flint Hills is a large area covering all or parts of 15 counties. To our knowledge, no County Commissions or local organizations in the Flint Hills have endorsed this resolution or have even discussed this proposal. It is our suggestion that all the counties and the local residents in the Flint Hills region have an opportunity to discuss this proposal prior to making a request of our Congressional delegation.

If a National Heritage Area is created, then a designated management entity will be named and authorized to create a management plan. We have concerns that this entity could create undue restrictions on private property owners through the development and implementation of this management plan. Farm Bureau has long-standing policy that highly values the rights of private property owners. KFB and our members in the Flint Hills region would adamantly oppose any restrictions placed on the rights of landowners, as a result of a National Heritage Area management plan.

In summary, KFB believes the request for a National Heritage Area in the Flint Hills should come from residents and local governing bodies in those affected areas. We do not have knowledge of this type of request. We also believe that any plan created by a designated body for implementing a management plan should not place any restrictions on the rights of private landowners. Thank you for the opportunity to testify today.



GACHES, BRADEN, BARBEE & ASSOCIATES
PUBLIC AFFAIRS & ASSOCIATION MANAGEMENT

825 S. Kansas Avenue, Suite 500 ♦ Topeka, Kansas 66612 ♦ Phone: (785) 233-4512 ♦ Fax: (785) 233-2206

**House Wildlife, Parks and Tourism Committee
HR 6016 – Regarding Flinthills National Heritage Area
Testimony of Kansas Wind Coalition
Presented by Mike Reece
Wednesday, February 16, 2005**

Thank you Chairman Myers for the opportunity to visit with your committee regarding House Resolution 6016, which urges formation of a National Heritage Area to encompass all of the Kansas Flinthills.

The Kansas Wind Coalition has concerns about this Resolution because it is not clear what kinds of protections against industrial activity the proponents might recommend for the Flinthills. Our Coalition members have worked cooperatively with landowners, county commissioners, and the Governor's office to locate wind energy projects where they are appropriate in Kansas. Passage of this resolution could lead to unanticipated development restrictions over a geographic area much larger than even Governor Sebelius' Core Flinthills area.

Many of the counties that comprise the Flinthills have resisted zoning in rural areas. Without knowing what development restrictions might be proposed for the National Heritage Area, it is hard to imagine that passage of this Resolution is a good idea.



Since 1894

TESTIMONY

To: The House Committee on Wildlife, Parks, and Tourism
Rep. Don Myers, Chairperson

From: Mike Beam, Senior Vice President

Date: February 16, 2005

Subj: **House Bill 2459** -A bill authorizing a landowner or tenant to transfer their antelope hunting permit to a resident or nonresident.

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,600 members on legislative and regulatory issues. KLA members are involved in many aspects of livestock production, including cow-calf/stocker enterprises, cattle feeding, seed stock production and diversified farming operations.

Kansas ranked second nationally with 6.65 million cattle on ranches and in feedyards as of January 1, 2004. The state's beef industry consumes 72% of the corn, 16% of the soybeans, and 60% of the hay grown in Kansas. At over \$5 billion, cattle sales typically generate nearly two-thirds of all annual agricultural receipts.

This legislation was introduced by the House Committee on Wildlife, Parks, and Tourism at the request of the Kansas Livestock Association (KLA). We thank the committee for this action and sincerely appreciate the Chairman's willingness to schedule today's hearing.

Background:

Each year the Kansas Department of Wildlife and Parks conduct aerial surveys of pronghorn antelope populations. These counts are used to determine the appropriate number of hunting permits, by management unit, which should be issued for the following hunting season. In recent years, the agency has issued around 100-150 permits. It's our understanding there were 134 firearm and muzzleloader permits available in 2004.

It's KDWP policy to issue 50% of the tags to resident hunters and 50% of the tags to eligible landowners and tenants in management units' 2, 17, and 18 (western Kansas). Because of the demand for these permits, KDWP holds a drawing each year for resident and landowner-tenant applicants.

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Purpose of HB 2459:

The purpose of this bill is to allow landowners and tenants, who are successful in the drawing, to transfer and/or resell their permit (antelope hunting rights) to resident or nonresident hunters. The bill also allows the agency to collect additional fees for administering these transfers.

We believe there are several advantages to this proposal:

- Residents unsuccessful in the drawing would have an opportunity to acquire a permit from a landowner or tenant who is willing to transfer their permit.
- Although there will be a limited number of landowner-tenant transferable permits issued annually, approximately 50 landowner-tenants could resell their permits and receive some additional compensation for providing habitat to antelope and other wildlife habitat.
- Transferable tags, as proposed by this legislation, would allow some nonresidents to hunt antelope in Kansas. This would enhance some additional rural tourism opportunities.

We are willing to consider amendments that improve the administration of the program.

In closing, we thank the Chairman and Committee for your time and consideration.

I'm anxious to respond to any questions or comments.

Thank you.

SMITH RANCH

To: The House Committee on Wildlife, Parks, and Tourism
Rep. Don Myers, Chairperson

From: Mark E Smith
1445 Rd 26
Wallace, KS 67761

Date: February 16, 2005

Re: **Testimony in support of House Bill 2459**

I am a third generation farmer and cattlemen from the Wallace and Greeley County areas of far western Kansas. I have an irrigation and dry-land farm that produces corn, wheat, and alfalfa. I am also in the livestock business raising and feeding cattle.

In 1993 my family was awarded the National Cattlemen's Beef Association Environmental Stewardship Award and in 1994 our family was recognized as the Farm Journal Farm Stewards of the year. Our family has always believed there is a direct relationship between farming/ranching and wildlife stewardship.

Approximately 90% of the Nations wildlife lives on private land in our country. In Kansas this percentage is probably higher and private landowners support the habitat for the majority of the state's wildlife population. This is especially true for the state's antelope population, which is primarily located in a few counties in western Kansas.

I believe this legislation would be a win –win situation for the private landowners, resident and nonresident hunters, and antelope management for the state of Kansas. These landowner-tenant transferable permits would give us a chance for some additional compensation for providing habitat to antelope and more importantly help improve the attitudes of the landowners toward this species.

About 20 years ago I was a member of the Kansas Department of Wildlife and Parks Pronghorn Antelope Committee. One of the main issues we faced is how could we create a more positive acceptance of antelope, among farmers and ranchers, in areas where antelope inhabit? This problem has been a challenge as long as I can remember.

The change of policy, as proposed by this legislation, would be a great step in the right direction for the landowner/tenants of western Kansas.

Thank you.

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Kansas Farm Bureau
POLICY STATEMENT

House Wildlife, Parks and Tourism Committee

Re:HB 2459, An Act concerning hunting relating to antelope permits

February 16, 2005

Submitted by:

Steve M. Swaffar

Director of Natural Resources

Chairman Meyers and members of the committee, thank you for this opportunity to provide testimony today in favor of House Bill 2459. I am Steve Swaffar, Director of Natural Resources for the Kansas Farm Bureau. KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations.

House Bill 2459 establishes a system for landowners to transfer landowner antelope tags to both residents and nonresidents. The system, as contemplated by the bill, is similar to the one already established for transferable landowner deer permits. We believe the proposed antelope tag system will provide a similar benefit to landowners.

In areas of the State where antelope occur, large groups of antelope do tend to move and feed in groups, particularly in the winter. These groups will feed on young crops and can cause considerable crop damage in localized areas. For landowners who have no desire to hunt antelope, HB 2459 would allow them to obtain a tag, provide a hunting opportunity to a willing hunter, and reduce the pressure on their crops from antelope.

When the Legislature created the landowner transferable tags for deer the intent was to compensate landowners for damages to their crops and infrastructure from deer activities. HB 2459 would provide that same benefit for landowners experiencing damage to crops by antelope. We encourage this committee to move HB 2459 out of committee and provide that same benefit to landowners for antelope damage. Thank you for this opportunity to provide testimony.

Kansas Farm Bureau represents grassroots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.

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Howard Wilson Trust

To: The House Committee on Wildlife, Parks, and Tourism
Representative Don Myers, Chairperson

From: Brent Weinland
Manager, Howard Wilson Trust
21700 Crosswood Road
Sharon Springs, KS 67758

Date: February 16, 2005

Re: Testimony in support of House Bill 2459

Good afternoon. My name is Brent Weinland. I have been in farming and ranching all of my life and have managed the Howard Wilson Trust for the last 17 years. During the last six years our business has also included outfitting non-resident deer hunters. I farm and ranch in Wallace, Logan and Sherman Counties.

I support this legislation for the following reasons:

- It will improve the relations between the farmers and ranchers of the antelope management areas and the State of Kansas.
- As an outfitter this legislation will bring economic value to the land owners and increase rural tourism opportunities.
- If landowners could see an economic benefit from antelope on their land it would increase the acceptance of antelope and could possibly increase the habitat and population of the species.

Thank you for the opportunity to testify in support of this bill.

KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2459 relating to Transferable Antelope Permits
To
House Committee on Wildlife, Parks and Tourism**

**By J. Michael Hayden
Secretary
Kansas Department of Wildlife and Parks
16 February 2005**

House Bill 2459 seeks to amend K.S.A. 2004 Supp. 32-937 to allow the transfer of antelope permits held by landowners or tenants. The provisions of this bill would be effective on July 1, 2005. **The Department is opposed to this bill.**

HB 2459 is yet another example of special interest legislation dictating permit allocations, very similar to the deer issue discussed in this committee previously. Wildlife should be managed first and foremost by wildlife managers with the resource at the forefront of the process.

Pronghorn antelope management in Kansas is very unique. The population of antelope, located primarily along the Colorado-Kansas border, is an estimated 2,000 animals. That is an exceedingly small number when compared to other states' herds. In addition, Kansas has few trophy quality antelope. A survey of almost 1500 Boone and Crockett registrants for antelope shows only 3 Kansas entries and, as with the deer herd, financial opportunity is relative to the trophy value of the herd.

Further, the fee for nonresident permits in other states, which have large tracts of public land on which to hunt, averages \$150-300 per permit. Presuming that permits could be sold in the neighborhood of \$300, the financial gain after paying for the permit, hunting license and a transfer fee imposed could be approximately \$100-\$130. Therefore, the net financial gain, spread out across 14 counties, could be approximately \$4300, based on half of the landowner permits being transferred.

Kansas has very little public land, particularly in the range of the antelope, and the success of the current system is dependent on access to land. These same landowners could just as easily charge an access fee to obtain the same fiscal net gain, without reducing resident opportunities. Currently, over 1000 residents apply annually.

In a 2000 master's thesis entitled, "Survey of landowner attitudes toward pronghorn in western Kansas, 68% of respondents wanted no antelope on their land and only 11% indicated hunting related income would improve their acceptance of pronghorn. This indicates transferable permits would have minimal impact on attitudes of landowners with regard to pronghorns. The Department would appreciate the Committee's support in opposing this bill. Committee on Wildlife, Parks and

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Office of the Secretary

1020 S Kansas Ave., Ste. 200, Topeka, KS 66612-13

Phone 785-296-2281 Fax 785-296-6953 www.kdwp.state.ks.us

KANSAS WILDLIFE FEDERATION



The voice of outdoor Kansas

Dan Ward

Testimony Prepared for the House Wildlife, Tourism & Parks Committee In Opposition to HB 2459

February 16, 2005

KWF stands in opposition to HB 2459, which would create a transferable tag system for antelope, similar to what has happened with deer tags in the state.

While KWF members differ in their feelings on non-resident hunting and commercial hunting enterprises, we all agree that the system as it currently stands for deer is not benefiting the resource or the resident hunter.

I've traveled over 30,000 miles since the end of the last legislative session, and have probably addressed thousands of people in different speaking engagements. I have yet to hear anyone who is pleased with how our deer permit system is currently operating, including commercial guide services.

This Committee, after hearing Chris Tymeson speak on the history of deer management in Kansas, asked the KDWP to come up with a proposal for the 2006 session on how deer hunting can be simplified in the state.

Given this overall context in regards to the current system for deer, we feel it would be a serious error to begin taking antelope hunting down the same path.

At its 2005 Annual Meeting, the membership of the Kansas Wildlife Federation opposed HB 2459, and we urge you to do likewise.

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HB 2459 TESTIMONY

Paul Babcock
RR1, Box 4d
Hoxie, KS 67740
(785) 675-3686

Ch. Don Myers
House Wildlife, Parks & Tourism Com.
State Capitol - Rm. 448 N
300 SW 10th Ave.
Topeka, KS 66612-1504

Chairman Myers, please present this document into testimony opposed to H.B. 2459 at the February 16, 2005 hearing.

Dear House Wildlife, Parks and Tourism Committee Members,

I request you deny House Bill 2459 which would allow Landowner/Tenant antelope hunting permits to be transferred to non-Kansas resident or Kansas resident hunters.

I object to transferable permits where money is exchanged for the simple reason it is not legal to do so, a point continually overlooked in recent writing of Kansas wildlife hunting mandates. WILDLIFE IS NOT THE PROPERTY OF INDIVIDUALS ON WHOSE LAND THE ANIMALS RESIDE! THEREFORE, NEITHER A LANDOWNER OR TENANT HAS A LEGAL RIGHT TO SELL THE ANIMAL TO A HUNTER FOR PROFIT!. The original means of transfer of said permit was legal and must remain the only means of transfer - Landowner or tenant to immediate family with transfer fees going to the KDWP and no profit made by the person transferring the permit. Please give this point serious thought.

Landowners have opportunity, by law, to profit from the hunting of any species of Kansas wildlife by means of leasing hunting rights, but not resale of permits. The amount of income is of course a product of the numbers and variety of game on their property. They should also consider the value of friendship with those within their communities as well. Too often rural residents fail to recognize the merchants in their towns are giving donations to every school group and organization within the community that knocks on their doors. They are entitled to consideration when hunting seasons come around.

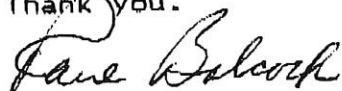
Antelope exist in Kansas in limited numbers and in a very limited area for hunting purposes. I believe if resident hunters are made more aware of the opportunity to hunt them, sufficient applications will be made to fill the hunt quota eliminating the need for illegal transferable permits. Landowners will have the opportunity to sell trespass fees or leases and perhaps provide guiding for a fee.

The Kansas Legislature must cease from facilitating the

illegal marketing of our wildlife resource and leave the business of managing it to the Kansas Department of Wildlife and Parks. The Legislature needs to recognize the primary source of revenue for economic growth is the citizens of the state and many of the recent laws regarding wildlife is denying them this resource.

Once again, I request that you do not allow Landowner/Tenant permits to hunt antelope or any other species to be transferred for reasons of profit.

Thank you.



Paul Babcock