

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 15, 2006 in Room 241-N of the Capitol.

All members were present except:

Representative Mitch Holmes- excused
Representative Patricia Kilpatrick- excused
Representative L. Candy Ruff- excused
Representative Shari Weber- 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:

Representative Bob Bethell
Mary Anne Stoskopf
Chris Tymeson, KS Department of Wildlife & Parks
Representative Oharah
Craig Walker
Debra Duncan, KS Animal Health Department

Others attending:

See attached list.

Moved by Representative Grange, seconded by Representative Oharah for approval of Minutes of the House Committee on Wildlife, Parks & Tourism held on February 13, 2006 be approved.

Motion carried.

Chairman Myers opened hearings on **HCR 5034 - Cheyenne Bottoms - "Migratory Bird Capital of Kansas"**.

Chairman Myers asked for proponents of the resolution.

Chairman Myers recognized Representative Bethel who presented an amendment which would change the designation from Cheyenne Bottoms to Hoisington as the migratory bird capital of Kansas. (Attachment 1)

Chairman Myers recognized Mary Anne Stoskopf who testified representing the community of Hoisington. (Attachment 2) Ms. Stoskopf also presented written support of the resolution from the City Council of Hoisington as well as various businesses. (Attachment 3)

Chairman Myers recognized Chris Tymeson who gave testimony from a neutral position on the resolution. (Attachment 4) Mr. Tymeson pointed out a technical change to the amendment on line 13 to strike the words 'a state park' because presently this area is a state owned wildlife area but not a state park.

There were no opponents to testify on the resolution.

Chairman Myers closed hearings on **HCR 5034** and opened hearings on **HB 2795 - Nonapplication of pet animal act to hunting dogs.**

Chairman Myers asked for proponents of the bill.

Chairman Myers recognized Representative Oharah who began by giving a short briefing on the Pet Animal Act KSA 47-1701. He presented testimony which stated that breeders and trainers of hunting dogs are entrepreneurs who cater to unique clientele: hunters, or people that use their dogs in competitive events and

CONTINUATION SHEET

MINUTES OF THE House Wildlife, Parks and Tourism Committee at 3:30 P.M. on February 15, 2006 in Room 241-N of the Capitol.

therefore take special care and pride in their animals. (Attachment 5) Craig Walker, a breeder and trainer from Bronson was in attendance and he stood for questions from the Committee. He shared a number of concerns relating to the number of regulations involved with inspections.

Written testimony only was also received from the following proponents:

Whitney Damron for Ms. Shari Woelk (Attachment 6)

Larry Whittmer (Attachment 7)

Chairman Myers asked for opponents to the bill and recognized Debra Duncan, the Director of the Animal Facilities Inspection Program for the Kansas Animal Health Department. (Attachment 8) A big concern is that the category of hunting dogs encompasses a number of different breeds therefore affecting many areas. Also, the State of Kansas has earned much respect around the country since the Kansas Pet Animal Act was enacted in 1988 and it is of concern that if this bill passes the inspections would move backwards rather than forwards.

Written testimony was also received from the following opponents:

Dr. Laura Moreland (Attachment 9)

Betty Westhoff (Attachment 10)

Chuck Westhoff (Attachment 11)

Midge Grinstead (Attachment 12)

Mary Prewitt (Attachment 13)

Chairman Myers closed hearings on **HB 2795**.

Chairman Myers announced hearings coming up Monday, February 20 on **HB 2872** and **HB 2930**.

Chairman Myers adjourned the meeting at 4:45.

Next meeting is scheduled for Monday, February 20, 2006.

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MEMBER: APPROPRIATIONS
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TOPEKA

Testimony for HCR 5034
February 15, 2006

Good afternoon Mr. Chairman and members of the Wildlife and Parks Committee. I am Bob Bethell and I am here today to support HCR 5034.

The city of Hoisington is positioned to the Northwest of the Cheyenne Bottoms in Barton County, Kansas. The Cheyenne Bottoms is a large wild life reserve that provides varied opportunities to persons to enjoy the natural resources of our State and country.

Mr. Chairman there is a correction to the HCR that would change the designation of the “migratory bird Capital of Kansas” to Hoisington rather than the Cheyenne Bottoms. Historically such designations are not to the area but to a city or town.

Mr. Chairman and committee members I urge you to amend HCR 5034 and pass it favorably for passage to the full House.

I will stand for questions.

Chairman Myers and members of the Committee, my name is Mary Anne Stoskopf. This afternoon, it is my pleasure to appear before you representing the community of Hoisington, Kansas as Hoisington seeks designation as the "Migratory Bird Capital of Kansas". I will not read or repeat all the details from my written testimony but I have included information in the written testimony that I hope you may find useful as reference material.

Today, I represent a community that is entering an exciting period of growth and revitalization.

- In 2005, the Kansas Department of Commerce selected Hoisington as the 22nd Main Street city in Kansas. My testimony today is one result of the work of the Main Street board and the Main Street Promotion Committee, of which I am a member.
- When the Wetlands and Wildlife Scenic Byway received designation as a National Byway in 2005, the community recognized the potential for additional opportunities for tourism and economic development. The Wetlands and Wildlife National Scenic Byway follows Kansas Highway 4 as it crosses the city of Hoisington from east to west.
- A group has purchased a corner lot at the intersection of Kansas Highway 4 and Hoisington's Main Street. Planning is underway to develop the area as an information park that will include migratory bird sculptures and species information.
- Just recently, the community learned that Hoisington's application for membership in the 100 Amazing Miles Tourism Coalition has been accepted.
- New businesses have opened in Hoisington, including several that promote hunting, fishing, birdwatching and other nature-based recreational activities.
- A new organization, The Cheyenne Partnership, has formed to promote the scenic byway and hunting, birding, and prairie tourism opportunities in Barton County and central Kansas. The Cheyenne Partnership, organized in 2006, set charter memberships at \$19.57 in honor of the year in which the state-owned Cheyenne Bottoms Wildlife Area held dedication ceremonies.

Today, the community is asking for legislative approval of our effort to brand Hoisington as the "Migratory Bird Capital of Kansas." The city of Hoisington is linked to the wetlands complex in the Cheyenne Bottoms basin in many ways.

- Hoisington is the only incorporated city inside the Cheyenne Bottoms basin, a unique oval-shaped area of approximately 64 square miles surrounded by high bluffs on the north, south, and west sides. The historic communities of Boyd and Redwing, now home to only a few families, are also inside the Cheyenne Bottoms basin.
- Blood Creek, one of the two natural streams feeding the wetlands at the lower elevations of the basin, flows around the west and south sides of the city of Hoisington. Through the years, Blood Creek has flooded and created additional problems for the city and surrounding community.
- The Cheyenne Club, an early organization of Hoisington merchants and the predecessor to the Hoisington Chamber of Commerce, was organized in 1907.
- The Hoisington Chamber of Commerce and a number of Hoisington businesses have included migratory birds on their business logos for many years. The new logo for Hoisington Main Street, Inc. includes two sandhill cranes, migratory birds that visit the area on a regular basis.

- Four businesses have purchased and display (some on a daily basis) migratory bird kites to attract the attention of travelers as they pass through Hoisington.
- Nearly 75% of the state-owned Cheyenne Bottoms Wildlife Area falls within the boundaries of the Hoisington school district, USD 431. Beginning in 1942, the state stopped paying local property taxes on the area. The state owns 19,857 acres at the Cheyenne Bottoms Wildlife Area.
- Hoisington's physical location, north and west of the wetlands complex, has provided residents a unique historical tie to the area now called the Cheyenne Bottoms Wildlife Area, an area acquired by the state of Kansas beginning in 1942. At the time that the state began acquiring land in the Cheyenne Bottoms basin, most of that land was leased to the U.S. Army Air Corps for use as a World War II bombing range and machine gun training area. It is a fascinating time in the history of the basin, including the city of Hoisington. Large targets were constructed of lumber purchased in Hoisington and area residents used their own tractors to help move some of the targets out to the bombing range. Beginning in July and August of 1943, community residents witnessed mock dogfights between fighters and bombers and artillery shells that went off course and through the roofs and walls of homes in south Hoisington and in the city itself, including the parsonage of the Hoisington Christian Church. Hoisington High School students routinely collected large spent artillery shells and turned them into lamp bases in "Shop" class. Even today, people outside the basin know very little about the World War II activities that were a part of everyday life for the people who lived in Hoisington and the surrounding community.
- In the mid-1960s, local landowners and community residents were successful in opposing a Corps of Engineers project to pipe saltwater from Rattlesnake Creek in Stafford County to a 20,000 - 50,000 acre saltwater evaporation lake that would have covered Deception Valley to the north of the Cheyenne Bottoms basin. Deception Creek, one of the two natural sources of water for the wetlands at Cheyenne Bottoms, would have disappeared in the brine lake. Local people teamed up with concerned citizens from Stafford County in the effort to protect both Quivira National Wildlife Refuge and the Cheyenne Bottoms Wildlife Area.
- The Wetlands and Wildlife National Scenic Byway, which promotes travel and nature-based tourism in Central Kansas, runs through the city of Hoisington as it connects the Cheyenne Bottoms Wildlife Area to Quivira National Wildlife Refuge and.

According to the U.S. Fish & Wildlife Service's "Migratory Bird Program Strategic Plan 2004-2014", "Nearly 82 million residents of the United States - 39 percent of the adult population - participate in wildlife-related activities, and 64 million of them pursue bird-related recreation, such as birdwatching, backyard bird feeding, hunting, and photography. These citizens substantially contribute to local economies throughout the country by spending nearly \$40 billion annually on these pursuits."¹ One goal of the Migratory Bird Program is to "improve hunting, birdwatching, and other outdoor bird-related experiences and opportunities, and increase awareness of the value of migratory birds and their habitats for their intrinsic, ecological, recreational and economic significance."²

¹ "A Blueprint for the Future of Migrating Birds: Migratory Bird Program Strategic Plan 2004-2014", U.S. Fish & Wildlife Service, page 1,

<http://www.fws.gov/migratorybirds/mbstratplan/MBStratPlanTOC.htm>

² "A Blueprint for the Future of Migrating Birds: Migratory Bird Program Strategic Plan 2004-2014", U.S. Fish & Wildlife Service, page 7,

<http://www.fws.gov/migratorybirds/mbstratplan/MBStratPlanTOC.htm>

Nature-related tourism is the fastest growing segment of the travel industry and wildlife viewing is the top outdoor activity in the United States, according to the Washington Department of Fish and Wildlife.³ Department officials have recognized the importance of wildlife viewing, which occurs primarily in rural areas near public lands, and the economic boost that such activities can give rural areas.

The Kansas Department of Wildlife and Parks August 2005 Strategic Plan lists as a goal to "Communicate effectively with the public to promote appreciation of the natural resources of Kansas incorporating other state, federal, local government agencies, the news media, private organizations, special interest groups and interested individuals."⁴ In response to a decline in the percentage of Kansans who hunt, the Strategic Plan includes strategies to promote hunting as a valued heritage and to produce information that attracts potential new hunters and promotes Kansas opportunities.

Hoisington's request for the "Migratory Bird Capital of Kansas" designation addresses the need for increased awareness of the importance of the natural resources found in the Cheyenne Bottoms basin and the migratory birds that visit the area.

Cheyenne Bottoms Wildlife Area, owned by the state of Kansas and managed by the Kansas Department of Wildlife & Parks, is a 19,857-acre area just 5 miles south and 2 miles east of the city of Hoisington. The area is managed primarily for migratory waterfowl and shorebirds.

- On October 19, 1988, Cheyenne Bottoms Wildlife Area was listed as a "Ramsar Wetlands of International Importance". There are currently 117 Ramsar sites in North America, including 22 in the United States. There are two Ramsar sites in Kansas: Cheyenne Bottoms, which includes Cheyenne Bottoms Wildlife Area and The Nature Conservancy's Cheyenne Bottoms Preserve (added in 2002), and Quivira National Wildlife Refuge (listed in 2002).

According to the Ramsar Information Sheet, last revised February 13, 2003, "Cheyenne Bottoms is a globally important stopover for thousands of migratory shorebirds and waterfowl. Up to 600,000 shorebirds from at least 39 species concentrate at the site during spring migration. Another 200,000 use the area in autumn. It has been estimated that 45% of all migratory shorebirds nesting in North America stage at Cheyenne Bottoms."⁵

- In 1988, the Cheyenne Bottoms Wildlife Area received designation as a "Site of Hemispheric Importance" by the Western Hemisphere Shorebird Reserve Network (WHSRN). There are three categories of sites: Hemispheric Importance, International Importance, and Regional Importance.

Surveys conducted at the Cheyenne Bottoms Wildlife Area counted over 600,000 shorebirds during the spring migration, including over 90% of the continent's populations of four different shorebird species.⁶ In 1994, The Nature Conservancy's Cheyenne Bottoms Preserve was included in the "Site of Hemispheric Importance" designation.

³ "Watchable Wildlife Industry", Washington Department of Fish and Wildlife, <http://wdfw.wa.gov/viewing/watchwld/watchwld.htm>

⁴ "A Plan for the Kansas Department of Wildlife and Parks", Strategic Plan, Seventh Edition, August 2005, page 22, http://www.kdwp.state.ks.us/news/kdwp_info/about_kdwp/strategic_plan

⁵ Ramsar Information Sheet - Cheyenne Bottoms, Ramsar Sites Database (Ramsar Site No. 411), www.wetlands.org

⁶ Cheyenne Bottoms Wildlife Area Site Assessment, Western Hemisphere Shorebird Reserve Network, (Site ID: 30), <http://www.manomet.org/WHSRN/viewsite.php?id=30>

The Western Hemisphere Shorebird Reserve Network lists 63 sites in eight nations, including 40 sites in the United States. Kansas has two sites: Cheyenne Bottoms and Quivira Wildlife National Refuge, which was designated as a "Site of Regional Importance" in February 1994.

- The American Bird Conservancy has also identified Cheyenne Bottoms Wildlife Area, Quivira National Wildlife Refuge, and The Nature Conservancy's Cheyenne Bottoms Preserve as "Globally Important Bird Areas".⁷ This program, launched in 1995, has identified 500 of the top sites in the United States. Each state has at least one "Important Bird Area" site. Ten sites in Kansas are listed as Globally Important Bird Areas.

According to Kansas Wildlife & Parks, "Cheyenne Bottoms is considered the most important ecosystem in Kansas"⁸.

- It is estimated that 45% of the North American shorebird population stops at the area during the spring migration.
- At least 320 of the 417 species of birds known to occur in Kansas have been recorded at Cheyenne Bottoms.
- There are 100 species that breed and nest on Cheyenne Bottoms Wildlife Area, 95 species that winter on the site, and 63 species that are permanent residents.
- Cheyenne Bottoms Wildlife Area is also critical habitat for threatened and endangered birds, including the whooping crane, bald eagle, piping plover and least tern.
- The Cheyenne Bottoms basin is also one of the top waterfowl hunting areas in the Central Flyway. More than 25 species of ducks and geese stop at the wetlands complex.

"Migratory birds are indeed a source of wonder and inspiration," said John Turner, former Director of the U.S. Fish and Wildlife Service⁹. Twice a year, migratory birds embark on long-distance journeys. Those of us who live and/or work in the Cheyenne Bottoms basin are privileged to witness the passage of thousands of migratory birds each year. We know that the number of birds we see may rise or fall depending on the natural wet and dry cycles of the wetlands in the basin. Nevertheless, year after year, we know that we can mark the changing of the seasons by the migratory birds that we see flying above and around us.

In recognition of the city of Hoisington's unique relationship with the wetlands of the Cheyenne Bottoms basin for over 120 years, we are seeking legislative designation for the city of Hoisington as the "Migratory Bird Capital of Kansas".

Thank you for your time and attention. I will now stand for questions from the committee.

⁷ Globally Important Bird Areas in Kansas, American Bird Conservancy, <http://www.abcbirds.org/iba/kansas.htm>

⁸ Birds of the Cheyenne Bottoms Wildlife Area, Kansas Department of Wildlife & Parks, <http://www.kdwp.state.ks.us/news/content/search?SearchText=Cheyenne+Bottoms>

⁹ "A Blueprint for the Future of Migrating Birds: Migratory Bird Program Strategic Plan 2004-2014", U.S. Fish & Wildlife Service, page 1, <http://www.fws.gov/migratorybirds/mbstratplan/MBStratPlanTOC.htm>

Cheyenne Bottoms Wildlife Area lies two miles east of U.S. Highway 281, midway between Great Bend and Hoisington. Access is also available from K-156, or by turning off K-4 Highway at Redwing. It is owned by the people of Kansas and managed by the Department of Wildlife and Parks.

The 19,857-acre area is part of a 41,000-acre natural land sink just northeast of Great Bend.

During the 1950s, the State of

Kansas acquired the land, and dikes were constructed to impound water in five pools. Canals and dams were built to divert water from the nearby Arkansas River and Wet Walnut Creek to supplement water provided by two intermittent streams, Blood and Deception creeks.

During the 1990s, extensive renovation divided some of the pools. In addition, pump stations were built to allow for increased management flexibility and water level manipulation.

This renovation effort also provided increased water conservation to better meet wildlife needs during dry periods.

Manipulation of water levels in the pools is a major tool in managing the marsh for water birds. Each year, one or more of the pools is drained as deemed necessary. Often these areas are seeded to millet and/or wheat and undesirable vegetation is controlled by burning, mowing and disking while the pools are dry.

HUNTING INFORMATION

Hunting is not allowed in the refuge areas (see map). Hunting pressure on the Bottoms can be heavy during waterfowl season, particularly on weekends. Hunters planning trips to the Bottoms should consider weekday hunts.

Prior to hunting any species on Cheyenne Bottoms Wildlife Area, all hunters are required to obtain and complete a Daily Hunt Permit. These permits can be found at all entrances to the wildlife area, at all parking lots and most boat ramps. Silver colored, iron dispensers are located at these points. Each permit is a two piece card. Before hunting, complete the top portion of the card and separate it from the lower portion and place it in the permit box. Carry the lower portion of the permit with you while hunting. Upon completion of your hunt, fill out the lower portion and place it in a permit box. Each hunter must complete one for each day hunting at Cheyenne Bottoms.

BIRD WATCHING

Because Cheyenne Bottoms is such a diverse, large and unique marsh, birdwatching is one of the more popular activities on the area. The spring and fall migration periods offer the best opportunity to view large numbers of different species in this one location. In spring, waterfowl and sandhill cranes can begin arriving as early as February. Wading birds, such as herons and egrets, begin arriving in March and April. Most shorebirds arrive in late April and early May. By late May, the birds that are still present on the area will tend to remain and nest.

The southward migration in fall can be a rewarding and challenging time for the birdwatcher. Most of the birds moving through the area during this time of year have replaced their breeding plumage with a set of feathers that lack much of the color they had just a few months earlier. This can make

identification difficult, especially when looking at shorebirds.

The fall shorebird migration can begin as early as July and extend well into September and October. Because of this, the bird numbers are not as impressive as the spring movement since the birds do not achieve as great a number at any one time. The peak period for duck viewing in the fall occurs early to mid-October. Most wading birds remain on the area until the marsh freezes. This is especially true for the great blue heron. Whooping cranes are most apt to stop at Cheyenne Bottoms in late October into early November. Bald eagles winter on the area and are present from as early as November to as late as March. A checklist of birds found on the area and the seasons they are present is available at the area office and the information signs at the main entrances.

Pools 1, 5 and a portion of Pool 2 are refuge areas and closed to all activities. Exceptions to this occur for some special hunts. Check with wildlife area personnel for more information.

In addition to waterfowl, other game may be legally taken at Cheyenne Bottoms. Pheasant hunting is usually good. Snipe and rail hunting is good along the shallow marsh margins. Quail and deer are also present in fair numbers.

A handicapped accessible hunting/photo blind is available by reservation. Call the office for additional information and reservations.

In the event of whooping crane activity, the pool the birds are in is closed to all hunting and the goose hunting zones are closed to crane and light goose hunting.

OTHER ACTIVITIES

Fishing at Cheyenne Bottoms is limited, for the most part, to carp and bullheads. Occasional catches of channel cat, crappie and bass are made after several continuous years of having water on the area.

Trapping is permitted on the wildlife area. A special permit is required. It is available at the area office free of charge. However, trapping is not permitted at any time in the refuge area nor during the waterfowl season.

GENERAL REGULATIONS

Vehicles are permitted only on established roads and parking areas. Driving off roads or on roads closed by sign or barrier is prohibited.

Camping is permitted only in the primitive campground located 1 mile west of the area office.

The use of watercraft is restricted to minimize disturbance to the wildlife and to ensure a more aesthetically pleasing experience for all visitors. Watercraft are not permitted in the refuge areas. During the waterfowl season, in-water propeller-driven boats and hand powered boats can be utilized in Pools 2, 3 and 4. Airboats are not allowed at any time. Outside the waterfowl season, only hand-powered boats are allowed. From April 15 to August 15, hand powered watercraft are not permitted between 10 A.M. and 5 P.M. Life jacket laws will be enforced.

Littering is prohibited. Take all trash with you.

Boats, decoys, ammunition, binoculars and other supplies are not available at the area office.

The Mitigation Marsh, located in the southeast portion of the Wildlife Area, is managed as a youth hunting area. It is open to hunters less than 16 years old hunters accompanied by no more than two adults.

Non-toxic shot is required for all shotgun hunting. The possession of lead shot in the field is prohibited.

No shooting is allowed on or from the dikes.

No holes or pits may be dug for any purpose. Portable blinds and temporary blinds made of native vegetation may be used but must be removed within 10 days after the close of the hunting season or after the last day of use.

SAFETY CONSIDERATIONS

Before leaving the dike to walk out into the marsh, be sure you are at a foot crossing. Barrow ditches along the dikes are deep. In addition, all open water areas should be crossed with caution. Water depths in these areas can exceed 4 feet. This is particularly true in Pool 4 where extensive level ditches have been dug.

The renovation islands are surrounded by wide barrow areas where water depths can also exceed 4 feet.

Rattlesnakes are common during warm months, so caution should be used.

CHEYENNE BOTTOMS



WILDLIFE AREA

General information



Cheyenne Bottoms
Wildlife Area
56 NE 40 Rd.
Great Bend, KS 67530
(620) 793-7730 (24-hr. Hotline)
(620) 793-3066 (Area Office)
(620) 227-8609 (Regional Office)

Equal opportunity to participate in and benefit from programs described herein is available to all individuals without regard to race, color, national origin, sex, religion, age or handicap. Complaints of discrimination should be sent to Office of the Secretary, Kansas Department of Wildlife and Parks, 900 Jackson St., Suite 502, Topeka, KS 66612. 3/02

	S	S	F	W
LARKS (ALAUDIDAE)				
___ Horned Lark*	a	c	a	c
SWALLOWS (HIRUNDINIDAE)				
___ Violet-green Swallow	accidental			
___ Tree Swallow*	c	u	c	
___ Bank Swallow	c	c	c	
___ Northern Rough-winged Swallow*	c	c	c	
___ Barn Swallow*	a	c	a	
___ Cliff Swallow*	a	a	a	
___ Purple Martin*	u	u	u	
JAY S, CROWS, MAGPIES (CORVIDAE)				
___ Blue Jay*	c	c	a	c
___ Scrub Jay	accidental			
___ Black-billed Magpie*	o	o	r	r
___ American Crow*	a	c	a	c
___ Clark's Nutcracker			r	
CHICKADEES (PARIDAE)				
___ Black-capped Chickadee*	c	u	c	c
___ Tufted Titmouse	o	r	o	
NUTHATCHES (SITTIDAE)				
___ White-breasted Nuthatch	u	o	u	u
___ Red-breasted Nuthatch	u		u	
CREEPERS (CERTHIDAE)				
___ Brown Creeper	u		u	
WRENS (TROGLODYTIDAE)				
___ House Wren*	u	u	c	
___ Winter Wren			o	
___ Bewick's Wren	u		u	
___ Carolina Wren	r	u	r	
___ Marsh Wren*	o	o	o	o
___ Sedge Wren	r			
___ Rock Wren	accidental			
MOCKINGBIRDS and THRASHERS (MIMIDAE)				
___ Northern Mockingbird*	u	u	u	o
___ Gray Catbird*	u	u	u	
___ Brown Thrasher*	c	c	c	
___ Sage Thrasher	accidental			
THRUSHES (MUSCIPAPIDAE)				
___ American Robin*	a	c	a	u
___ Wood Thrush	r	r		
___ Hermit Thrush	r			
___ Swainson's Thrush	c	c	c	
___ Gray-cheeked Thrush	u	u		
___ Veery	r	r		
___ Eastern Bluebird	u	r	u	
___ Mountain Bluebird	u	u	u	
___ Townsend's Solitaire	accidental			
___ Blue-gray Gnatcatcher	u	u		
___ Golden-crowned Kinglet	u	u	u	
___ Ruby-crowned Kinglet	u	u		
PIPITS (MO TACILLIDAE)				
___ Water Pipit	c	c		
___ Sprague's Pipit	r	r		

	S	S	F	W
WAXWINGS (BOMB YCILLIDAE)				
___ Bohemian Waxwing	r	r		
___ Cedar Waxwing	c	c		
SHRIKES (LANIIDAE)				
___ Loggerhead Shrike*	c	c	c	c
STARLING (STURNIDAE)				
___ Starling*	a	c	a	a
VIREOS (VIREONIDAE)				
___ White-eyed Vireo	r			
___ Bell's Vireo*	u	u	u	
___ Solitary Vireo	o			
___ Red-eyed Vireo	u	u		
___ Philadelphia Vireo	r			
___ Warbling Vireo	u	u	u	
WARBLERS (PARULIDAE)				
___ Black-and-white Warbler	u	u		
___ Prothonotary Warbler	o			
___ Tennessee Warbler	r			
___ Orange-crowned Warbler	c	c		
___ Nashville Warbler	u	u		
___ Yellow Warbler*	c	o	c	
___ Yellow-rumped Warbler	c	c	c	
___ Cerulean Warbler	r			
___ Chestnut-sided Warbler	r			
___ Bay-breasted Warbler	r			
___ Black-throated Green Warbler	r			
___ Blackpoll Warbler	u	u		
___ Palm Warbler	r	r		
___ Ovenbird	r	r		
___ Northern Waterthrush	r			
___ Kentucky Warbler	r			
___ Mourning Warbler	r	r		
___ MacGillivray's Warbler	r			
___ Common Yellowthroat*	c	c	c	
___ Yellow-breasted Chat	u	o	o	
___ Wilson's Warbler	c	c		
___ Canada Warbler	r			
___ American Redstart	u	u		
BLACKBIRDS (ICTERIDAE)				
___ Bobolink*	u	u	u	
___ Eastern Meadowlark*	u	u	u	u
___ Western Meadowlark*	a	a	a	a
___ Yellow-headed Blackbird*	a	a	a	u
___ Red-winged Blackbird*	a	a	a	a
___ Orchard Oriole*	c	c	c	
___ Northern Oriole*	c	c	c	
___ Rusty Blackbird	u	u	o	
___ Brewer's Blackbird	c	c	c	
___ Great-tailed Grackle*	u	u	u	o
___ Common Grackle*	c	c	c	u
___ Brown-headed Cowbird*	c	c	a	c
TANAGERS (THRAUPIDAE)				
___ Scarlet Tanager	r			
___ Summer Tanager	r			

	S	S	F	W
CARDINALS (CARDINALIDAE)				
___ Northern Cardinal*	u	u	u	u
___ Rose-breasted Grosbeak	u	o	u	
___ Black-headed Grosbeak	u	u	u	
___ Blue Grosbeak*	u	u	u	
___ Indigo Bunting*	u	u	u	
___ Dickcissel*	c	c	c	
SPARROWS (EMBERIZIDAE)				
___ Lark Bunting*	a	o	a	
___ Savannah Sparrow	c	u	c	
___ Swamp Sparrow	u	u	u	
___ Grasshopper Sparrow*	c	c	c	
___ Baird's Sparrow	o		r	
___ Henslow's Sparrow	accidental			
___ LeConte's Sparrow	r	r		
___ Sharp-tailed Sparrow	accidental			
___ Vesper Sparrow	c	c		
___ Lark Sparrow*	u	u	u	
___ Cassin's Sparrow	r			
___ Dark-eyed Junco	u	u	u	
___ American Tree Sparrow	a	a	a	
___ Chipping Sparrow	u	u		
___ Clay-colored Sparrow	c	c		
___ Field Sparrow	u	u	u	
___ White-crowned Sparrow	c	c	c	
___ Harris' Sparrow	c	c	c	
___ White-throated Sparrow	u	u		
___ Fox Sparrow	o			
___ Lincoln's Sparrow	u	c		
___ Song Sparrow	u	c	u	
___ Lapland Longspur	u	c	a	
___ Chestnut-collared Longspur	u	u	u	
___ Snow Bunting	r		r	
___ Spotted Towhee	u	u		
WEAVERS (PASSERIDAE)				
___ House Sparrow*	c	c	c	c
FINCHES (FRINGILLIDAE)				
___ Cassin's Finch	r			
___ Evening Grosbeak	r	r		
___ Pine Siskin	u	u		
___ American Goldfinch	c	o	c	
___ Red Crossbill	r	r	o	
___ House Finch*	o	o	c	c

Date: _____ Time: _____
 Weather: _____
 Observations: _____

S = MARCH - MAY a = abundant
S = JUNE - AUGUST c = common
F = SEPT - NOV o = occasional
W = DEC - FEB u = uncommon
 r = rare

(*) Indicates birds which nest on the management area.

Birds of the Cheyenne Bottoms Wildlife Area

Cheyenne Bottoms Wildlife Area is a 19,857-acre lowland located seven miles northeast of Great Bend in Barton County, Kansas. The area is managed by the Kansas Department of Wildlife & Parks. It consists of primarily wetland habitat but also includes some upland areas as well as farm ground and several tree rows. Management on the area is directed primarily at migratory waterfowl and shorebirds.

Cheyenne Bottoms is considered the most important ecosystem in Kansas and has been designated as a "Wetland of International Importance." It may also be the most important shorebird migration point in the western hemisphere. It is estimated that 45 percent of the North American shorebird population stops at the Bottoms during the spring migration. At least 320 of the 417 species of birds known to occur in Kansas have been recorded at the Bottoms. There are 100 species that breed and nest on the area, 95 species that winter here and 63 species that are permanent residents.

Cheyenne Bottoms is also critical habitat for threatened and endangered birds, including the whooping crane, peregrine falcon, bald eagle, piping plover and least tern.

More than 25 species of ducks and geese stop at the Bottoms. In late October, numbers of Canada and white-fronted geese, mallards, pintails, wigeon, gadwall, blue-winged and green-winged teal, redheads and ruddy ducks can reach the hundreds of thousands. The Bottoms is one of the top waterfowl hunting areas in the Central Flyway.



Cheyenne Bottoms
 Wildlife Area
 56 NE 40 Rd.
 Great Bend, KS 67530
 (620) 793-3066

Equal opportunity to participate in and benefit from programs described herein is available to all individuals without regard to race, color, national origin, sex, religion, age or handicap. Complaints of discrimination should be sent to Office of the Secretary, Kansas Department of Wildlife and Parks, 900 Jackson St., Suite 502, Topeka, KS 66612. 03/01

RESOLUTION 02-2006

A RESOLUTION SUPPORTING THE DESIGNATION OF HOISINGTON AS THE "MIGRATORY BIRD CAPITAL OF KANSAS."

WHEREAS, Cheyenne Bottoms is the extraordinary natural oval-shaped basin found in Barton County in Central Kansas that covers approximately 64 square miles or around 41,000 acres; and

WHEREAS, Cheyenne Bottoms is a globally important stopover for thousands of migratory shorebirds and waterfowl and where it has been estimated that 45 percent of all migratory shorebirds nesting in North America stage at Cheyenne Bottoms due to the diverse marsh habitat for waterfowl and shorebirds and insures needed food, water, and resting places; and

WHEREAS, the spring and fall migration periods provide the best opportunities to view large numbers of different species including whooping cranes and eagles; and

WHEREAS, Hoisington shares unique and historical ties to Cheyenne Bottoms dating back to the late 1800's and early 1900's when the railroad brought hunters to Hoisington and were transported by horse and wagon to Cheyenne Bottoms to hunt ducks and geese which were shipped to restaurants and markets back East;

WHEREAS, Hoisington is the only incorporated city that lies inside of the Cheyenne Bottoms basin with only the small communities of Boyd and Redwing also being located within the basin.

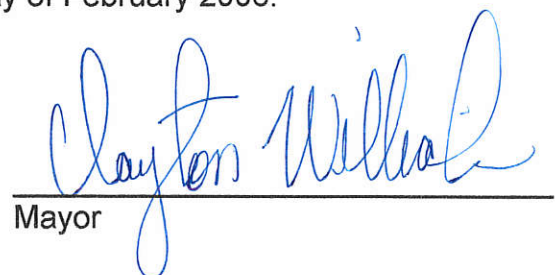
NOW, THEREFORE, be it resolved by the City Council of the City of Hoisington, Kansas, that the City of Hoisington supports and encourages the State of Kansas to designate Hoisington as the "Migratory Bird Capital of Kansas."

ADOPTED by the Governing Body, this 13th day of February 2006.

ATTEST:



City Clerk


Mayor





Hoisington Main Street, Inc.

108 E. 1st Street, Suite 110

Hoisington, KS 67544

620-653-2208

hmsi108first@earthlink.net

February 13, 2006

The Honorable Representative Don Myers, Chair
House Committee on Wildlife, Parks, and Tourism
Room 448-N
300 SW 10th Street
Topeka, KS 66612-1504

Dear Chairman Myers and Members of the Wildlife, Parks and Tourism Committee:

As Board President of Hoisington Main Street, Inc., I would like to express our support of the resolution that has been set before you – HCR 5034. Hoisington is the only incorporated city inside the Cheyenne Bottoms basin and we are proud of our history with this treasure.

We believe this designation will help increase awareness and appreciation of this natural resource. The designation will help Kansas in drawing tourists to seek another nature-related outdoor activity in their travels within our state. Bird watchers and hunters alike are aware of the importance of Cheyenne Bottoms and will travel through our community in reaching their destination.

Please consider designating the city of Hoisington as the Migratory Bird Capital of Kansas.

Respectfully yours,

A handwritten signature in cursive script that reads "Kathy Burt".

Kathy Burt,
HMSI Board President

Board of Directors:

Kathy Burt, President

Brad Tajchman, Vice President

Jim Blackwell, Treasurer

Karen Van Brimmer, Secretary

Lee Van Scyoc

Keith Higgins

Keith Wilborn

Clayton Williamson

Rod Harms

Christina Glenn

Tate Shelton

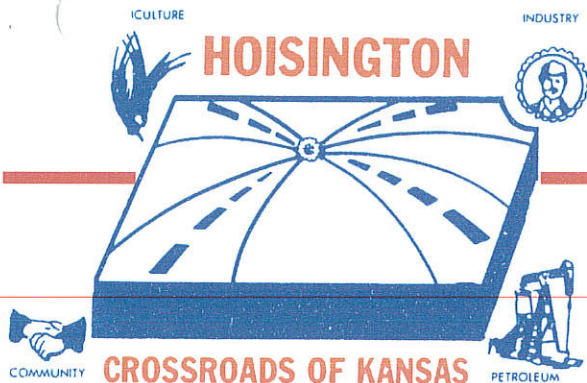
Allen Dinkel

Kristin Schmitt

Loretta Finger

Lon Palmer

Diann Scott



HOISINGTON CHAMBER OF COMMERCE

**123 N. MAIN
HOISINGTON, KS 67544
Phone: 620-653-4311
Fax: 620-653-4311**

February 13, 2006

The Honorable Representative Don Myers, Chair
House Committee on Wildlife, Parks and Tourism
Room 448-N
300 SW 10th Street
Topeka, KS 66612-1504

Dear Chairman Myers and members of the Wildlife, Parks and Tourism Committee:

As Board President of the Hoisington Chamber of Commerce, I would like to express our support of the resolution that has been set before you – HCR 5034, designating Hoisington as the “Migratory Bird Capital of Kansas”.

Hoisington deserves this designation because of its rich history and proximity to Cheyenne Bottoms. In fact, Hoisington shares unique and historical ties to Cheyenne Bottoms and is the only incorporated town that lies within the Cheyenne Bottoms basin.

Hoisington is entering an exciting period of growth and revitalization due to our acceptance into the Kansas Main Street Program along with the Wetlands and Wildlife Scenic Byway National Designation. We believe the designation of Hoisington as the “Migratory Bird Capital of Kansas” will furthermore help draw more nature-related tourists to Kansas.

The Hoisington Chamber of Commerce is extremely grateful for the opportunity that the Legislator would provide by designating Hoisington as the “Migratory Bird Capital of Kansas.”

Respectfully yours,

A handwritten signature in cursive script, reading 'Paula M. Dinkel', is written in black ink.

Paula Dinkel
President



P.O. Box 96
Hoisington, KS 67544

February 9th, 2006

Kathy Burt
165 South Main
Hoisington, KS 67544

Kathy,

The Hoisington Recreation Commission would like to show that it supports House Concurrent Resolution 5034, that the city of Hoisington be designated as the "Migratory Bird Capital of Kansas." As "Migratory Bird Capital of Kansas," this designation will increase the awareness of the importance of the area which surrounds the city of Hoisington, along with the potential of outdoor recreation that this area provides.

Thane Loring

A handwritten signature in black ink, appearing to read "Thane Loring", written over a horizontal line.

Hoisington Recreation Commission
Programming Specialist

The Lodge Inn and Apartments
250 S. Main and 100 N. Main Street
Hoisington, Kansas 67544
(620) 653-4772



2/14/2006

Ms. Kathy Burt
State Farm Insurance
165 S. Main Street, P.O. Box 180
Hoisington, Kansas 67544

RE: Hoisington – Migratory Bird Capital of Kansas

Dear Kathy:

Hoisington carries with it a long-standing tradition in birding, due largely to its proximity to Cheyenne Bottoms and location on the Central Flyway. That is why we at The Lodge Inn support recognizing Hoisington as the “Migratory Bird Capital of Kansas”. We sincerely believe this town is worthy of such a recognition, and trust it will be granted as requested.

We applaud all those who, for more than 100 years, have made Hoisington the defacto Migratory Bird Capital of our state.

Our guests, who come from states across the nation, do so because Hoisington is perceived as the Migratory Bird Capital of Kansas.

Sincerely,

A handwritten signature in cursive script that reads "Bobbi Sanchez".

Bobbi Sanchez

Hunting Fishing Art & More
"For your convenience"
108 B E. 1st, Suite 130
Hoisington, Kansas



HUNTING
FISHING
ART
&
MORE

653-4772 or 617-7354

2/10/2006

Ms. Kathy Burt
State Farm Insurance
165 S. Main Street, P.O. Box 180
Hoisington, Kansas 67544

RE: Hoisington – Migratory Bird Capital of Kansas

Dear Kathy:

This letter expresses our support in recognizing Hoisington as the "Migratory Bird Capital of Kansas". Hoisington's proximity to Cheyenne Bottoms, paired with its rich history in birding, make it worthy of this recognition. We at The Lodge Store hope the pursuit of this title is successful.

We proudly fly our two migratory bird kites each day that we are open. Our customers and visitors from across the nation enjoy Hoisington and its migratory birds.

Sincerely,

A handwritten signature in cursive script that reads 'Deb Beaver'.

Deb Beaver



2/10/2006

Ms. Kathy Burt
State Farm Insurance
165 S. Main Street, P.O. Box 180
Hoisington, Kansas 67544

RE: Hoisington – Migratory Bird Capital of Kansas

Dear Kathy:

This letter is to express our support in designating Hoisington the “Migratory Bird Capital of Kansas”. This would be such a fitting title for a town so affiliated with migratory birds and located near the internationally significant wetlands that we know as the Cheyenne Bottoms.

We thank and congratulate those who have pursued this worthy designation.

Sincerely,

Anne Beck & Joan Miller
Co-Owners



Beck Chiropractic

Dr. Chad Beck D.C.

162 S. Main, Hoisington, KS 67544

Phone: (620) 653-2232

Fax: (620) 653-2236

2/14/2006

Ms. Kathy Burt
State Farm Insurance
165 S. Main Street, P.O. Box 180
Hoisington, Kansas 67544

RE: Hoisington – Migratory Bird Capital of Kansas

Dear Kathy:

Hoisington carries with it a long-standing tradition in birding, due largely to its proximity to Cheyenne Bottoms (a portion of our town is within the bottoms).

That is why we support recognizing Hoisington as the “Migratory Bird Capital of Kansas”. We sincerely believe our town is worthy of such a recognition, and trust the designation will be granted.

I look forward to working to promote hunting and birding in Hoisington, The Migratory Bird Capital of Kansas.

Sincerely,

Dr. Chad Beck, DC

CIVITAS GROUP HOLDING COMPANY, INC

main street properties, straw bale homes, erosion control/revegetation, prairie woods, student labor
3773 Anderson Avenue, Manhattan, Kansas 66503, (785)537-3773 voice, (785)587-8094
facsimile rharms@purpleprairie.net www.purpleprairie.net

2/14/2006

Ms. Kathy Burt
State Farm Insurance
165 S. Main Street, P.O. Box 180
Hoisington, Kansas 67544

RE: Hoisington—Migratory Bird Capital of Kansas

Dear Kathy:

This letter expresses our support in designating Hoisington the “Migratory Bird Capital of Kansas”. Hoisington’s rich history in birding, coupled with its proximity to Cheyenne Bottoms, make it worthy of this recognition.

We at Civitas Group applaud the pursuit of this title for Hoisington and have registered domain names using these words on behalf of the community.

CIVITAS GROUP HOLDING COMPANY, INC.
a Kansas Corporation

Rodney C. Harms, President



High Style Fashions and Consignments

163 S. Main St., Hoisington, KS 67544, (620) 617-7354

Michele Mayers, Manager

2/10/2006

Ms. Kathy Burt
State Farm Insurance
165 S. Main Street, P.O. Box 180
Hoisington, Kansas 67544

RE: Hoisington – Migratory Bird Capital of Kansas

Dear Kathy:

This letter is to express our support in designating Hoisington the “Migratory Bird Capital of Kansas”. I believe this is a very fitting title for a town so affiliated with migratory birds and with Cheyenne Bottoms in the proximity of our town.

I look forward to continuing my support of hunting and birding in Hoisington. We thank those who have pursued this worthy designation, in naming Hoisington as the “Migratory Bird Capital of Kansas.

Sincerely,

A handwritten signature in cursive script that reads "Michele Mayers".

Michele Mayers, Manager

The Lodge Café
“American & Mexican Home Cooking”
250 S. Main, Hoisington, Kansas 67544
(620) 653-4771



2/14/2006

Ms. Kathy Burt
State Farm Insurance
165 S. Main Street, P.O. Box 180
Hoisington, Kansas 67544

RE: Hoisington – Migratory Bird Capital of Kansas

Dear Kathy:

This letter is to express our support in designating Hoisington the “Migratory Bird Capital of Kansas”. This would be such a fitting title for a town so affiliated with migratory birds. It is the logical community to be so designated as it is the only municipality with lands within the wetlands of hemispheric importance. We hope Hoisington receives this recognition.

We are proud to be one of the businesses in Hoisington that use migratory birds in our logo’s and advertising and we will continue to fly our migratory bird kite on Main Street.

Sincerely,

A handwritten signature in cursive script that reads "Dayna Williams".

Dayna Williams, Manager



MANWEILER CHEVROLET CO.

"Serving Central Kansas for Four Generations"

271 S. Main, Box 390 Hoisington, Kansas 67544 Phone (620)653-2121
www.mchevy.com

February 10, 2006

The Honorable Representative Don Myers, Chairperson
House Committee on Wildlife, Parks & Tourism
Room 448 – N
300 SW 10th Street
Topeka, KS 66612-1504

Dear Representative Myers and Committee Members,

I am a 4th generation Hoisington business owner and I would like to support legislation to see Hoisington become the "Migratory Bird Capital of Kansas".

Our four generations have been fortunate to live and work in the Cheyenne Bottoms basin for 77 years. We have friends and business associates that have moved to Hoisington over the years because of what Cheyenne Bottoms offers the outdoor enthusiasts and this was before there was any designation of a National Wetlands and Wildlife Scenic Byway.

Now that Cheyenne Bottoms will have more of a State and National recognition, there will be thousands of travelers coming through our State and Hoisington. I think our State needs to have a Migratory Bird Capital city to help promote our great resource even further. We need another avenue to better market the Cheyenne Bottoms and since Hoisington is basically the only incorporated city in the Cheyenne Bottoms basin, I feel we are the Migratory Bird Capital of Kansas and probably the USA.

Thank you your support in our endeavor to become the Migratory Bird Capital of Kansas.

Sincerely,

Gene Manweiler

KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HCR 5034 relating to Cheyenne Bottoms
To
House Committee on Wildlife, Parks and Tourism**

**By Christopher J. Tymeson
Chief Legal Counsel
Kansas Department of Wildlife and Parks**

February 15, 2006

HCR 5034 would recognize Cheyenne Bottoms as the "Migratory Bird Capital of Kansas".

Cheyenne Bottoms truly is one of the natural resource gems of Kansas and is a 41,000 acre natural land sink located in the central part of the state. The Kansas Department of Wildlife and Parks owns and manages nearly 20,000 of those acres. Every year, thousands of people from literally all over the world come to Cheyenne Bottoms, either to hunt or view wildlife. The Bottoms provides habitat for a multitude of mammals and birds and it is possible to view over 125 different species of waterfowl, shorebirds and other migrants in a single day of viewing. The Bottoms also provides a critical stopover for migratory birds making their way down and back up the Central Flyway.

In summary, the Department appreciates the support shown in this resolution and the opportunity to comment.

STATE OF KANSAS

LYNNE OHARAH
REPRESENTATIVE, FOURTH DISTRICT

HOME ADDRESS:
2120 95TH STREET
UNIONTOWN, KANSAS 66779

OFFICE ADDRESS:
STATE CAPITOL, SUITE 427-S
TOPEKA, KANSAS 66612-1504
(785) 296-7655



HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENT

MEMBER: FEDERAL AND STATE AFFAIRS
GOVERNMENTAL ORGANIZATION
AND ELECTIONS
UTILITIES
WILDLIFE, PARKS AND TOURISM

HOTLINE NUMBER: 1-800-432-3924
SPEECH/HEARING IMPAIRED: (785) 296-8430

House Bill 2795 seeks to remove hunting dogs from the Kansas Pet Animal licensing and inspection requirements.

I would like to give a short briefing on what the Pet Animal Act is. The Kansas Animal Health Department has regulated pet shops and large city pounds since 1973. The regulation of the pet animal industry was added in 1988. Regulations covered commercial dog and cat breeders, retail dog and cat breeders, hobby (3 to 5 litters) breeders, research facilities, pet shops and pounds and shelters. The act applies to all breed of dogs, except greyhounds. The act was expanded in 1991 legislation to include the registration of boarding kennels.

Section 1, paragraph (d), subparagraph (1) and (2) of the Pet Animal Act KSA 47-1701, defines what is and isn't an animal as related to this statute. Animal, in the act, means any living dog, cat, rabbit, rodent, non-human primate, bird, other warm-blooded vertebrate, or any fish, snake or other cold-blooded vertebrate. Animal does not include horses, cattle, sheep, goats, swine, ratites, domesticated deer, or domestic fowl.

Section (h) defines cat as an animal which is wholly or in part of the species Felis domesticus. Section (j) defines dog as any animal which is wholly or in part the species Canis familiars, but does not include any greyhound as defined by KSA 74-8802, and amendments thereto. The act goes on to define animal breeder, hobby breeder, pet shops, animal shelters, animal breeder premises, kennel operator, kennel operator premises, research facilities, and what constitutes adequate feeding, adequate watering, euthanasia, etc. These animal breeders, pet shops, kennel owners and animal shelters, etc. are required to be licensed by the State of Kansas annually, and can be inspected, unannounced, every three months.

One thing that I would note, is that the USDA (United States Department of Agriculture) also requires these breeders to be licensed annually and inspected. According to testimony last year when a bill was passed to raise the licensing fees for operation under the pet animal act, only a handful of states license and inspect pet animal operations.

Now, the proposed amendment. We are asking that hunting dogs be given the same status as greyhounds, which are exempt under this act. Hunting dog, as defined in this amendment, means "a dog used to trail, tree, flush or retrieve game and is worked as such throughout the year, including hunting season, training season and competitive field events and hunt test". Our reasoning is that breeders and trainers of hunting dogs are entrepreneurs who cater to unique clientele: hunters, or people that use their dogs in competitive events.

According to the Kansas Animal Health Department, only one fine has been levied against a kennel in 11 years. (Note. Training of hunting dogs by kennel operators would fall under this category.) One fine in 11 years seems to be a waste of resources, by an already stretched thin department, that is responsible for licensing and inspecting approximately 1200 pet operations. Also, it is a good indication of the care and pride that these breeder and trainers take in their animals. It seems if breeder/trainers of hunting dogs mistreat, starve or abuse their dogs, they would not be in business long.

The USDA recognizes breeders and trainers of hunting dogs do not need to be regulated, licensed or inspected and are exempt from licensing and inspection. These businesses are recognized as small business owners and contribute to the economic health of our great country. Kansas lags behind the national average of creating and retaining small business. Recognizing breeders and trainers of hunting dogs as small business owners, which do not need to be regulated and contribute to the economic health of our state, sends a positive message to these small business owners. We will be acknowledging that these business owners are doing a good job of providing a product and service to their customers. Breeders, trainers and the businesses surrounding the hunting industry feel that the removal of these regulations will increase competition and improve the quality of hunting dogs.

With that Mr. Chairman, I will stand for questions.

Whitney B. Damron, P.A.
919 South Kansas Avenue
Topeka, Kansas 66612-1210
(785) 354-1354 • (785) 354-8092 (Fax)
E-Mail: wbdamron@aol.com

SUBMITTED COMMENTS

TO: The Honorable Don Myers, Chair
And Members of the
House Wildlife, Parks and Tourism Committee

FROM: Whitney Damron

RE: HB 2795 An Act concerning animals; relating to the pet animal act;
hunting dogs.

DATE: February 15, 2006

Chairman Myers and Members of the House Wildlife, Parks and Tourism
Committee:

Attached to this cover sheet you will find a copy of an e-mail sent to
Representative Lynne Oharha by Ms. Shari Woelk, owner of the Barrel Springs Hunt
Club of Tribune, Kansas, in support of the passage of HB 2795.

Ms. Woelk serves as the President of the Kansas Sport Hunting Association this
year.

Thank you for your attention to this information.

WBD

Subject: **HB 2795**
Date: 2/15/2006 7:56:29 A.M. Central Standard Time
From: bshntclb@pld.com
To: wbdamron@aol.com
CC: cindy@baldwincreativeservices.com

Whitney- Would you please forward this to Rep O'Hara. I tried to call him but apparently the phone # I recd is incorrect. Thanks- Shari

Rep Lynn O'Hara- Just a quick note to let you know that I support HB 2795. I understand and support the intent of the Pet Animal Health Act. However, I believe that the additional regulation of the hunting dog will be an added expense to the state and my business. I own and operate a pheasant hunting service. Businesses such as mine rely very heavily on the success and quality of our hunting dogs. Our dogs have to be in top notch condition in order to consistently produce the results we require. Our hunting success is a huge part of our business. If our clients are not successful in the field or our dogs are not capable of handling the rigors of a day in the field our business will suffer. It only makes sense for us to take good care of our hunting dogs. They are a large part of our business and an asset. Their nutrition, care and shelter are of great concern to us as we expect them to produce great field results for us. Thank you for your time and efforts. Shari Woelk, Barrel Springs Hunt Club, Tribune, Kansas

January 10, 2006

To Whom It Concerns:


I have had bird dogs and occasionally raised a litter of pups since the 1970's. In the 1990's I expanded my kennel to 40 dogs and started training also. Then, the state got involved, and for some reason started doing inspections. In the meantime, my wife and I were putting 4 children through state colleges and using the profits from the kennel operation to help with that.

The regulations, in my opinion, became so ridiculous it seemed there could be a better use for the salaries paid to the inspectors. Besides, I don't think any of them knew anything about my business, and the inspections weren't needed anyhow. Why would I not treat my dogs well?? They were helping put my children through college and buying them vehicles to drive.

These inspections discouraged me from staying in the business to the point that I quit raising pups and training. Not only would the paperwork of keeping a daily log for each dog be burdensome, it isn't fair that those who have 4 dogs or less don't have to keep a log or any regulations. This is unconstitutional! If one has to do it, then all dog owners should be inspected. What's to say that those with less than 4 dogs don't mistreat them? Then, why should I have to pay for 2 inspections? I have to pay a vet to inspect, and then also pay you, the government, for an inspection. Why?

Over-regulation and taxation will always discourage business. The state government is overstepping their bounds when just certain people are targeted for inspections. So, for the sake of all involved in the sporting dog industry, we should be exempt from these inspections.

Sincerely,



Larry J. Wittmer

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT

George Teagarden, Livestock Commissioner

708 SW Jackson, Topeka, Kansas 66603-3714

Phone 785/296-2326 FAX 785/296-1765

www.kansas.gov/kaahd

February 15, 2006

Representative Don Myers, Chairman

Re: HB 2795 relating to the "hunting dog" exemption from the Pet Animal Act

Mr. Chairman and members of the Committee,

I am Debra Duncan, the director of the Animal Facilities Inspection Program for the Kansas Animal Health Department. I appear before you as an opponent of HB 2795.

The Kansas Pet Animal Act was enacted in 1988 to insure that healthy puppies were being bred in Kansas and that the breeding stock was well cared for. The Act applies to the facilities of people who produce, offer or maintain for sale 3 or more litters of puppies or kittens during the state license year, pet shops, pounds and shelters, boarding and training facilities, animal rescues, and research facilities.

It took several years for the program to obtain adequate funding and inspectors. During the interim, Kansas became one of seven states boycotted by the Humane Society of the United States. It also became the subject of legislation in California because of the inadequate condition of Kansas puppies and kittens being shipped to that state.

Now, after 18 years, our inspection program is known as one of the best and Kansas puppies and kittens are sold throughout the country.

HB 2795 would put a stop to this. First of all, with the exception of herding dogs and some, but not all, of the toy breeds – most dogs were originally bred to "trail, tree, flush or retrieve game." There are numerous registries and most breeds have their own (and therefore their own field trials) but just looking at the AKC website field trials for scent and trailing hounds, pointing breeds, flushing breeds, retrieving breeds, the various types of coonhounds apply to 41 breeds. Add in the terriers who hunt and flush rodents and it covers 61 breeds. This could also cover the sight hounds which puts it up to 73 different breeds. Included in this bill would be, of course, Labrador and Golden retrievers, the two most popular breeds in the county.

We have over 1,600 licensees. The majority of them breed, rescue or sell dogs. HB 2795 would allow anyone to hunt their dogs, field trial them and be totally exempt from the Act.

Even if this bill was somehow limited to people who board and train hunting dogs it would still cause a problem for our inspection program. Right now, we have about 53 licensees who "specialize" in breeding and/or training hunting dogs. Assuming all 53 pay our lowest fee - \$95 (for boarding and training only, not breeding) we would lose a minimum of \$5,035 in fees. This program runs on a shoestring and despite a fee increase last year we will run out of funds during the 2008 fiscal year. A \$5,000 decrease in fees would damage the program and escalate our fee fund issues.

Finally, exempting these licensees from the Pet Animal Act would not impact our duties under the statute. Currently, Boarding and Training facilities are inspected only upon application and complaint.

Thank you for allowing me to testify on this bill. I will be glad to answer any questions.



Debra Duncan, Director
Animal Facilities Inspection Program

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT
George Teagarden, Livestock Commissioner
708 SW Jackson Topeka, Kansas 66603-3714
Phone 785/296-2326 Fax 785/296-1765

February 8, 2006

Duane Goosen
Director of the Budget
Room 152-E
Sent via e-mail

Re: Fiscal note HB 2795

Dear Director Goosen:

HB 2795 amends K.S.A. 47-1701 *et. seq.* by excluding "any hunting dog" from the definition of dog covered by the Kansas Pet Animal Act. The bill defines "hunting dog" as "a dog used to trail, tree, flush or retrieve game and is worked as such throughout the year including hunting season, training season and competitive field events and hunt tests."

This agency does not categorize licensees by breed of dog however; we estimate this will affect approximately 53 licensees, which would result in a loss of \$5,035 assuming all hold boarding and training licenses. The agency's responsibilities would not change since boarding facilities are currently inspected only upon application or complaint.

If the licensees have breeding kennels, rather than boarding facilities, the amount could be as low as \$5,035 (if all are hobby breeders) or as high as \$21,465 (if all are retail breeders). In addition, this bill may have a profound effect on the agency's responsibilities. There are currently 1,676 facilities licensed with the Department. Many of these raise, or rescue one or more breeds that would fall under the definition of "hunting dog". We are unable to determine the fiscal impact should these facilities choose to take steps to comply with the hunting dog definition.

Sincerely,

Debra S. Duncan
Public Service Executive III

cc: Commissioner George Teagarden









GIRARD ANIMAL HOSPITAL

Drs. Bill and Laura Morland
Dr. Kristal Endicott-Holder
Dr. Don Sotta

207 E. Southern Blvd.
Girard, KS 66743
Phone: (620) 724-8054

2-13-06

Members of the House Wildlife, Parks and
Tourism Committee;

It has been brought to my attention
that you are considering H.B. 2795 to
exempt "hunting dogs" from the Kansas
Pet Animal Act. I would encourage
you to vote no on this bill because
the term "hunting dog" can include
so many different breeds many of which
such as Labrador retrievers, Golden
Springer spaniels, Irish setters are also
raised as pets. I am concerned that
this will create a situation when the
State Inspectors will not be able to
inspect and regulate certain kennels because
these are "hunting dogs." "Hunting dogs" deserve
the protection afforded by the Kansas Pet Animal
Act.

Sincerely,
Laura Morland Sotta

Dear Representatives:

I would like for you to vote "AGAINST HR#2795"!!!!

Do you want Kansas to go backward? Or forward???

If you vote to allow the "hunting dogs" to not be inspected by the Kansas Animal Health Dept., YOU are voting for Kansas to take a GIANT STEP BACKWARDS!!!

A Kansas inspector can go to a facility to do an inspection. He's inspecting the whelping area. He looks at a Maltese mother with four (4) nice clean pups in a "nice" clean pen in what appears to be a nice clean facility, so far. He goes on down, and comes to a dachshund. (in a dog encyclopedia I have under Hunting, you find "Hunting Dachshund Assn" page 266). This inspector see a dachshund with six new born pups, no water, no feed! LOOK AT THAT PEN! It couldn't have been cleaned for days! It has "shit" all over. Those pups are in this. But the inspector has to pass on by. He's asking Himself "when will that pen be cleaned?" "Or will it be cleaned?"

If you vote for the hunting dogs not to be inspected by the Kansas Animal Health Dept., are YOU going to start an inspection program with-in the Wildlife, Parks & Tourism Comm.???

Kansas has a better inspection system than our neighboring states. The inspectors go to training sessions with the USDA inspectors.

We should be supporting our Kansas Inspection System instead of tearing it down!

The person(s) that wanted this bill introduced must have something to hide!!!!

If "hunting dogs" are not going to be inspected & pups from these dogs are sold on the west coast, Kansas will "AGAIN" have "dog bones" on the capital steps from California!!! Is that what you want?

Vote "NO" on HR Bill #2795!!!

Thanks,
Betty Westhoff
7250 Wallace Rd
St. Paul, Ks 66771
Ph# & fax# 620.449.2350

p.s. we've been in the kennel business for 22 years!!!

2-15-2006

Dear Repr.

VOTE" NO" ON HR#2795!!

This Bill is designed to cause nothing but problems for the state inspection program. When the inspectors come for inspection, they would have to pick the pens with dachshunds or other hunting breeds. " I can't inspect that pen!"

They would have to close their eyes as they walk past the dirty pens because they could do nothing. Isn't that discrimination? The very thing humans have been trying to get away from for a multitude of years. NOW some humans are trying to "bring discrimination" into the kennel industry because of the occupation or breed of the dog. Some dogs are pets, some are "hunting dogs" which are also PETS!!

NOW A PERSON CAN REGISTER A DOG THRU THE HYBRID CLUB THAT IS 1/2

Maltese & 1/2 dachshund (or another breed as long as both parents are registered).

What, Oh What, is the inspector to do? Does He inspect 1/2 of the pen???

What a mess they're going to cause & cost the State a fortune. Why not spend their money on something useful like education.

This Bill is nothing but an effort to destory the State Inspection program.

A simple solution is "Trash Bill #2795" and quit spending Kansas money on such trivial,

unnecessary bills. Leave the Kansas Inspection Program alone. "IF IT AIN'T BROKE,
DON'T FIX IT!!!"

The inspectors are doing a fine job. KEEP UP THE GOOD WORK!!!

KEEP KANSAS CLEAN !!!!

Thanks,
Chuck Westhoff
7250 Wallace RD
St. Paul, Ks 66771
USDA#536
Ks#167A

LAWRENCE HUMANE SOCIETY

1805 E. 19th Street
Lawrence, Kansas 66046
785-843-6835
lawhumane@aol.com

February 14, 2006

Mr. Chairman and Members of the Committee:

Due to a prior commitment, I am unable to attend the hearing on HB 2795. Please accept this written testimony in my absence.

I have been the director of the Lawrence Humane Society for the past ten years. Our shelter takes in 7,000 animals per year. Hunting breeds represent the majority of dogs in our shelter and other shelters and animal control agencies across our state. Breeder "dumps" are common, especially with hunting breeds. In the past week our shelter found 4 retrievers and 14 German Shorthair Pointers dumped in our county.

In the early nineties, the animal inspection program was created as a result of complaints from consumers and the general public regarding the horrendous conditions found in facilities throughout our state. This department continually and effectively handles facilities that are not in compliance with the Kansas Pet Animal Act.

The Legislative Post Audit Committee requested a performance audit of the Kansas Pet Animal Program on March 7, 2002. They found that of the 36 recommendations resulting from the 1990 audit, most either had been implemented or no longer appeared to be relevant. A survey was also conducted of out-of-state purchases of pets that were bred in Kansas facilities. In 1990, 41% stated that Kansas bred animals had more health problems than pets bred in other states. In 2002, only 3% stated that Kansas bred animals had more health problems than pets bred in other states.

The Lawrence Humane Society received 301 companion animals in 2004 and 411 companion animals in 2005 from the Kansas Animal Health Department. None of these animals were received in good health. Many, in fact had to be humanely euthanised. This program is clearly doing the job that it was intended to do, which is to ensure the health and welfare of Kansas pet animals as well as improve the image of the state of Kansas.

I urge the committee to leave hunting breeds under the protection of the Kansas Pet Animal Act and continue inspections of breeders by the Kansas Animal Health Dept. The bottom line for many breeders is money, not the health and welfare of their animals. The Kansas Animal Health Dept. has helped Kansas become one of the premier states for sales of **healthy** puppies. Without the help of this department, shelters, pounds, rescue groups and animal control agencies across our state will be overwhelmed with overpopulation of animals and an increase in animal diseases. The boycotts of pet sales in the nineties hold us to a higher standard of animal care. I urge you to go forward not backward and keep hunting breeds under the protection of the Kansas Pet Animal Act and the Animal Health Department.

I would be happy to answer any questions and can be reached at the shelter Sunday through Friday.

Midge Grinstead
Executive Director
Lawrence Humane Society



Legislative Network, Inc.

Written Testimony In Opposition to
House Bill 2795

Submitted by
Humane Kansas Legislative Network, Inc.

Committee on Wildlife, Parks and Tourism

February 15, 2006

Honorable Don Myers, Chair, and Members of the Committee:

Thank you for considering this written testimony in opposition to House Bill 2795.

Humane Kansas Legislative Network is a coalition of national, state, and local organizations and individuals who support stronger state laws to protect animals from inhumane treatment, cruelty, neglect, abuse and exploitation. Humane Kansas opposes House Bill 2795.

House Bill 2795 exempts "hunting dogs" from the provisions of the Kansas Pet Animal Act. If passed, the bill would leave hunting dog breeders and distributors unregulated. The definition of "hunting dog" added by the proposed amendments is so broad as to encompass nearly any dog, whether pure bred or mixed breed. No compelling reason supports the exemption of these animals from regulation under the Act.

The Kansas Pet Animal Act prevents unscrupulous and inhumane breeding practices and provides protection to purchasers of dogs and puppies. Removal of those protections from purchasers of hunting dogs will not further any legitimate state interests.

Humane Kansas respectfully requests that the Committee not pass House Bill 2795.

Humane Kansas Legislative Network, Inc.

A handwritten signature in black ink that reads "Mary Prewitt".

Mary Prewitt
2500 Wallace Road
Lawrence, KS 66044

House Committee on Wildlife, Parks
and Tourism
2/15/06
Attachment 13