

## CHAPTER 170

### SENATE CONCURRENT RESOLUTION No. 1623

A CONCURRENT RESOLUTION urging the United States Congress to require the United States Environmental Protection Agency to exclude air monitoring data from use in determinations of exceedances and National Ambient Air Quality Standards violations where the emissions are from prairie burning in the tallgrass prairie in the Flint Hills, a unique ecosystem of historic significance, and to treat the data as exceptional under 40 C.F.R. Section 50.14.

WHEREAS, The Flint Hills region of Kansas contains the world's largest share of the remaining tallgrass prairie, and is the only place where that habitat is in landscape proportions. Only 4% of North America's pre-settlement tallgrass prairie survives to this day, and 80% is located in Kansas; and

WHEREAS, The Flint Hills region is also home to certain declining avian species such as the Greater Prairie Chicken and Henslow's Sparrow that cannot continue to exist without large expanses of native tallgrass prairie in an original state. Further, it is a significant corridor for migrating shorebirds such as the American Golden Plover, the Buff-breasted Sandpiper, and the Upland Sandpiper; and

WHEREAS, Beginning in the mid-19th century, cattlemen understood that the richness of the Flint Hills grasses depended on a good spring burn—something they learned from the Native Americans. Fire still thrives in the Flint Hills because the ranchers, and others using the land, know that the natural ecosystem depends on fire; and

WHEREAS, Ranchers, land owners and conservation groups use prescribed burns to mimic the seasonal fires that have shaped the tallgrass prairie for thousands of years. Areas not burned for several years develop mature grasses and thicker, thatch-like vegetation which habitat is preferred by invasive species; and

WHEREAS, The Flint Hills is one of the few places in the United States where the prevailing agricultural system works essentially in tandem with an ancestral native ecosystem, preserving most of its complexity and the dynamic processes that helped shape it; and

WHEREAS, Because of the uniqueness of the Flint Hills tallgrass prairie and the historic manner in which the tallgrass prairie has been managed by fire, existing prescribed burn practices should be considered best management burn practices: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That we urge the United States Congress to require the United States Environmental Protection Agency to exclude air monitoring data from use in determinations of exceedances and National Ambient Air Quality Standards violations where the emissions are from prairie burning in the tallgrass prairie in the Flint Hills, a unique ecosystem of historic significance, and to treat the data as exceptional under 40 C.F.R. Section 50.14; and

*Be it further resolved:* That the Secretary of the Senate be directed to send an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Environmental Protection Agency Region 7 Administrator, the Administrator of the United States Environmental Protection Agency, and each member of the Kansas Congressional delegation.

Adopted by the House March 29, 2010.

Adopted by the Senate March 18, 2010.

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