

Approved: Carl Dan Holmes
Date 4/29/94

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes at 3:30 p.m. on March 7, 1994 in Room 526-S of the Capitol.

All members were present except: Representative Mills - Excused
Representative Lloyd - Excused

Committee staff present: Raney Gilliland, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Mary Torrence, Revisor of Statutes
Shirley Wilds, Committee Secretary

Conferees appearing before the committee: The Honorable Doug Walker, State Senator
Raymon Powers, Executive Director, KS Historical Research
The Honorable Fred Gatlin, State Representative
Cynthia Abbott, Audubon Society
Spencer Tomb, KS Wildlife Federation
Darrel Montai, KS Wildlife and Parks
Al Ward, KS Wildlife and Parks
The Honorable Bill Wisdom, State Senator

Others attending: See attached list

Chairperson Holmes opened the meeting announcing the Committee agenda for the week. He reminded members there are nine Committee days with which to finish their work. It was the consensus that in order to complete their obligations the Committee would plan to work late at discretion of the Chair next week.

Hearing on: SCR 1623:

The Honorable Doug Walker. (See Attachment #1) Providing a map of the Trail of Death and giving a brief history of the trail area, Senator Walker told the Committee the Memorial Park is now open to the public with no fee charge. The park is provided with picnic tables and a playground. There are plans for a museum and other structures. He said there are self-guided trails and one can find a stone monument with the inscribed story of the Trail of Death. There are memorial crosses with the names of deceased Indians over the hill in the park.

Senator Walker said the reason for this resolution is to continue (in concert with Indiana and Missouri) having highway signs erected designating the Trail of Death route in Kansas. There is state money available for this project and there will be no additional cost to the state for erection of these signs.

Senator Walker noted there are 34 co-sponsors on **SCR 1623** (23 Republicans and 11 Democrats) indicating the matter to be a non-controversial issue.

Raymon Powers. Mr. Powers spoke in favor of this resolution, giving a brief history of the various tribes (in addition to later immigrant tribes) that once shared the Trail of Death lands. In 1854 this area was opened for white settlement and the railroad, ultimately moving the Indians slowly into some of the Oklahoma territory. Mr. Powers said this resolution is one avenue to recognize the historical Indian communities.

Hearing on HB 2977:

The Honorable Fred Gatlin. (See Attachment #2) Representative Gatlin said this legislation was introduced at his request through the Appropriations Committee, the genesis of which is a concern about state finances. He said the Legislature is responsible for properly funding state government, including Wildlife and Parks. However, they have little, if any, involvement and often little knowledge of property acquisitions.

Representative Gatlin said management of property can incur substantial costs (as well as other liabilities) and this bill merely requires an accounting of all managed property acreage and a requirement to inform the Legislature of any additional acquisitions as wildlife areas. In addition, he mentioned the philosophical question of the role of the state in the amount of property to be

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m. on March 7, 1994.

owned.

Cynthia Abbott. (See Attachment #3) Citing the lack of any growing recreational lands, impacting the quality of life for Kansas citizens, Ms. Abbott said the Kansas Audubon Council feels strongly that Kansas Department of Wildlife and Parks should be free to expand acreage when feasible. If the funds are available for property management, it is very important to allow public land management to develop naturally.

Ms. Abbott said the actual percentage of Kansas' total area that is publicly controlled is 1.3%, which includes roads, public buildings and parking lots (as well as parks, hunting lands and wildlife areas). She maintains one potentially strong avenue of economic development would be to increase the state's parks and wildlife areas. She concluded that **HB 2977** would hinder the future quality of life for Kansans and limit potential areas of environmentally benign economic development. She urged a negative vote for this legislation.

Spencer Tomb. (See Attachment #4) Speaking on behalf of the Kansas Wildlife Federation, Mr. Tomb reported they are in opposition of this bill because it will end the Wildlife and Parks ability to purchase or receive land and as additional Kansas citizens move to urban areas, more lands will be needed for outdoor recreation. He said the Federation is particularly sensitive to the need for public hunting lands or wildlife managements areas, with such areas not being a drain on the state economy or the agency budgets. He added these areas essentially pay for themselves via license dollars and federal excise taxes.

Darrel Montai. (See Attachment #5) This bill, if passed, would effectively prohibit the Department from addressing present and future demands with one of the most important tools at their disposal - the ability to consider resource and public needs through management of lands. Mr. Montai said it does not prevent consideration of additional property, but would require disposal of existing property first so as not to exceed the maximum acreage established by the required inventory.

Mr. Montai cited several limitations in **HB 2977**, among them, prohibiting the Department from addressing present and future demands; the time consuming process of land property disposal; involvement of several state and federal laws; management/contractual stipulations of lands. In citing these and other hindrances within this legislation, Mr. Montai concluded by stating **HB 2977** would serve to negate future resource and recreational opportunities for Kansas and force decisions that are not driven by resource or public needs. Through the restrictions in this bill the Department's mission and statutory responsibilities for resource management and public recreation opportunities are not served.

Al Ward. (See Attachment #6) Mr. Ward reported the type of properties that would be involved are quite scarce in Kansas and the Department can ill-afford to relinquish properties that are fulfilling a need. He said the Department's ability to adequately perform numerous programs would be compromised and the ultimate losers would be the very resources and publics they are charged to serve. The Committee is urged not to approve this proposed legislation.

Hearing on SB 606:

The Honorable Bill Wisdom. (See Attachment #7) Senator Wisdom said one currently buys a single permit for an increased price and gets two tags for the taking of turkeys, the reason being that the turkey population has increased sufficiently to a two-turkey harvest.

Senator Wisdom said the Senate Committee testimony by the Department of Wildlife and Parks presented no compelling evidence that the population would be effected by allowing two birds on the same day. He said **SB 606** addresses the 1995-96 spring turkey season, allowing two years for the Department of Wildlife and Parks to determine if there is some justification for not allowing the taking of two birds on a single day.

Darrel Montai. (See Attachment #8) Mr. Montai reported the current KAR stipulates an authorized person is restricted to no more than one turkey per day and would be effective for the 1995-96 seasons. These restrictions were instituted under regulatory authority of the Department and Commission pursuant to action taken during a public hearing on the regulation. Mr. Montai said there is some concern that when two turkeys are taken on the same day it may increase the harvest of young toms (jakes) and may lead to increases in crippling loss. Kansas is reviewing this issue in cooperation with other states to determine the best course in future seasons. Mr. Montai added that the primary reason for this regulatory decision was to encourage hunting effort and ethics and promote more days in the field.

In conclusion, Mr. Montai stated that should a bill of this nature become law. If biological problems are discovered with a two-bird per day harvest, an amendment to the law would be required (rather than a regulatory amendment). The Department, therefore, opposes **SB 606**.

Al Ward. (See Attachment #9) Speaking on behalf of James Holderman, Chairman of Department of Wildlife and Parks, Mr. Ward conveyed the Commission's opposition to this bill. Having performed in a responsible manner and approached the issue fairly and openly in a public form, it is their belief that this should remain a regulatory issue. Mr. Ward said in response to legislative interest the Commission will make special efforts to obtain input from turkey hunters regarding the daily bag prior to taking a regulatory action for the 1995 spring turkey season. However, that will no longer be a choice if this proposed legislation

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m. on March 7, 1994.

becomes law.

Cynthia A. Abbott. (See Attachment #10) As Legislative Chair for the Kansas Audubon Council, Ms. Abbott said it sets the deleterious precedent of interfering with the ability of Kansas Department of Wildlife and Parks to properly manage game animals (a popular resource). The management of these animals needs to be based upon sound biology practices, rather than an inflexible law that could not respond to the changing animal numbers.

Considering in times of drought when there could be a decline in the turkey population, there would be a set harvest; conversely, in times of plenty (when it might be beneficial to increase bird harvest), it would be counter-productive to have a legally-limited cap.

In closing Ms. Abbott says this bill interferes with the Department of Wildlife and Parks' ability to appropriately manage our natural resources and sets an inappropriate precedent of legislatively mandating what should be a regulatory process.

Chairperson Holmes referred the Committee written testimony from two individuals (See Attachments #11 and #12).

Spencer Tomb. As was presented by conferees before him, Mr. Tomb also agreed that this issue is a regulatory matter rather than a mandated law. He lauded the enjoyment of this particular sport, indicating also the biological attributes with the way the harvest is presently regulated.

The Committee members shared lengthy discussion with all conferees, with the primary focus on **HB 2977** and **SB 606**.

Upon completion of its business, the meeting adjourned at 5:10 p.m.

The next meeting is scheduled for March 8, 1994.

St. Mary's Mission
St. Philippine Duchesne
Memorial Park

A Catholic Mission was here 1839-1848. 1300 Indians lived here at one time. Nearly 3000 Indians were in the area around the settlement. The mission was located where there was a plentiful supply of sugar maple trees, water, timber and farmland. It was an area equal to what 200 oxen could work in one day.

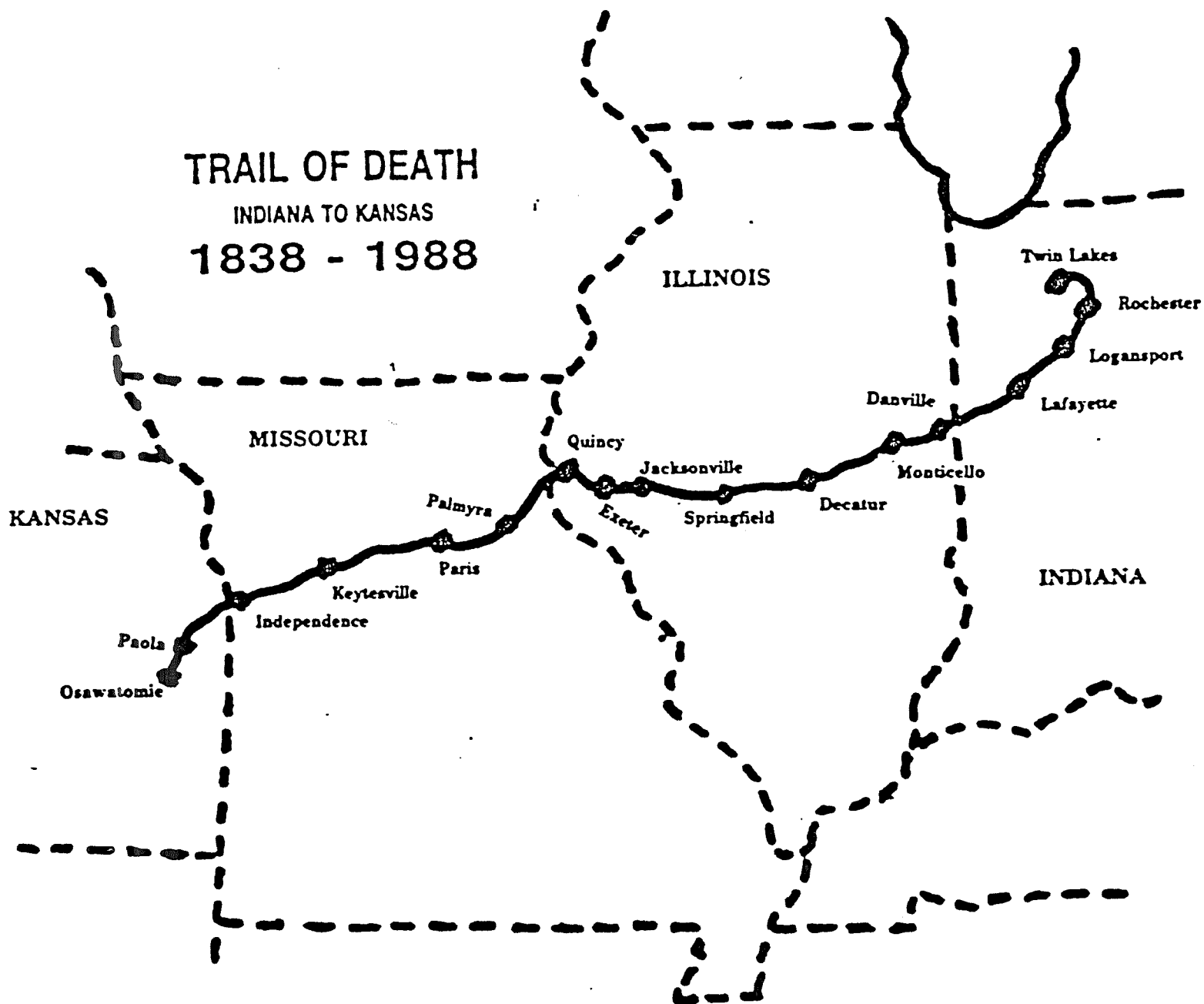
In 1841 St. Philippine Duchesne arrived to teach the children. Three languages, French, English and Indian were taught and spoken. A school for girls, 2 schools for boys, a residence for nuns, a priest's house and a church were built. In 1848 the Indians were again moved by the federal government to a Kaw Indian Reserve on the Kansas River, at St. Mary's, Kansas. In 1849 after abandonment, everything was burned.

The mission is now a memorial park open to the public (no fees) with picnic tables and playground. A museum is planned and possibly other structures.

You enter the park through a Fort-like gateway off Keokuk Road. Markers will direct you to points of interest and self-guiding trails. A long stone monument is inscribed with the story of the Trail of Death. Upon the hill are memorial crosses with names of Indians who have died.

A shrine in honor of Rose Philippine Duchesne has been erected at the site of the original church.

TRAIL OF DEATH
INDIANA TO KANSAS
1838 - 1988



FRED GATLIN
 REPRESENTATIVE, 120TH DISTRICT
 CHEYENNE, RAWLINS, DECATUR,
 NORTON, WESTERN PHILLIPS
 610 MAIN
 ATWOOD, KANSAS 67730



TOPEKA

HOUSE OF

REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: AGRICULTURE
 APPROPRIATIONS
 ENERGY AND NATURAL RESOURCES
 JOINT COMMITTEE ON HEALTH
 CARE DECISIONS FOR 90'S

TO : House Committee on Energy and Natural Resources

FROM: Representative Fred Gatlin *FG.*

SUBJ: HB-2977

DATE: March 7, 1994

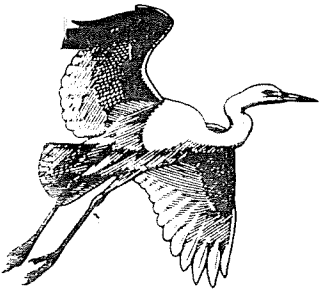
HB-2977 was introduced in Appropriations Committee on my request. Genesis of this bill is a concern about the state's finances. Wildlife and Parks is often the beneficiary of gifts of property. Now the Legislature has little, if any, involvement and often little knowledge of acquisitions of property. Yet we are responsible for properly funding state government, including Wildlife and Parks.

This bill has generated a number of phone calls to me in regard to my purpose and concern about the bill. The intent of this bill is not to restrict Wildlife and Parks to the acreage of property they have now, but merely to ask for an accounting of all the acreage they manage and a requirement that they inform and involve the Legislature and the budget process with any additional acquisitions as wildlife areas. Management of property can incur substantial costs as well as other liabilities.

In addition, there is the philosophical question about ownership of property by a state agency. Is it, and should it be, a role of the state to own property for the primary purpose of providing public hunting areas or public recreation areas? How large a land owner should the state be?

One of the primary concerns as you look to the future in budgeting is the obligations of the present and the past. This bill is simply an attempt to be fully informed about gifts and purchases of Wildlife and Parks. It is truly a frustration to suddenly discover that a state agency owns property for which the state must provide substantial amounts of funding. That is my purpose in proposing this bill. I would ask for your serious reflection and approval.

*Energy & Natural Resources
 Attachment #2
 3/7/94*



Kansas Audubon Council

March 7, 1994

House Energy and Natural Resources Committee

Testimony on HB 2977

Thank you Chairman Holmes and members of the committee for giving me the opportunity to appear before you today on behalf of the Kansas Audubon Council. My name is Cynthia Abbott; I am the Legislative Chair for the Council and a member of Topeka Audubon Society.

Like many people throughout the state, Kansas Audubon members rely heavily on our state parks and public use areas for recreation and a chance to "get away from it all". With our state population continuing to shift toward urban centers and away from rural towns, this ability to escape to state owned and/or managed lands is increasingly important. The chance to walk "the back 40" and unwind simply doesn't exist any more for the majority of Kansas citizens.

Conversely, those who still do live in rural areas do not appreciate strangers walking across their land, even if the strangers' motives are simply to relax, stretch their legs and get a little fresh air. Too often, for them, strangers have meant vandalism, trespassers, unauthorized hunters or simply unwanted litter. And in this day and age, liability and crime issues are never far from anyone's mind. Private land is simply unavailable for many, if not most, Kansas citizens looking for relaxation.

Because of these factors, which can strongly impact the quality of life for Kansas citizens, the Kansas Audubon Council feels strongly that Kansas Department of Wildlife and Parks should be free to expand the acreage under their management when it is appropriate to do so. As long as the funds are available to manage the properties, the land is acquired (for management or for purchase) through willing-seller and similar types of arrangements, and the citizens of Kansas continue to utilize the lands managed by KDWP, it is very important to allow public land management to develop naturally.

*Energy & Natural Resources
Attachment # 3)*

3/7/94

March 7, 1994

I have heard of concerns voiced about the quantity of land that the government, including KDWP, should have under its control. According to an article in the Topeka Capital-Journal on February 20, 1994, Kansas is tied for third from last place, among the 50 states, in the amount of public land available to its citizens. The actual percentage of our state's total area that is publicly controlled is 1.3%, and this includes roads, public buildings and parking lots, as well as parks, hunting lands and wildlife areas. This does not seem like an overly large portion of land available for the common use of all of Kansas' people.

Last but not least, Kansas has not traditionally had an image as a tourist attraction, yet we have outstanding natural areas and wide open spaces that could very well become nationally famous for their beauty and expansiveness. Cheyenne Bottoms is a justly well-known example, particularly for birders and hunters. Recently, too, Lake Scott State Park made National Geographic Traveler magazine's top 50 list of state operated parks while the Flint Hills region made their top 50 list of scenic drives. Hiking, camping, canoeing, backpacking, birding and other outdoor activities are all growing in popularity. One potentially strong avenue of economic development, then, would seem to be to increase our state parks and wildlife areas - rather than to hold them artificially steady at some set level.

In conclusion, Kansas Audubon Council feels that HB 2977 would function to hurt the future quality of life for many Kansas citizens and to limit potential areas of environmentally benign economic development. Thank you for this opportunity to present our views and concerns. The Council urges you to vote negatively on HB 2977.

Kansas Wildlife Federation, Inc.

P.O. Box 5715 200 S.W. 30th Street Suite 106
Topeka, Kansas 66611 Phone 913-266-6185

An Affiliate of the National Wildlife Federation

March 7, 1994

Testimony for the Kansas Wildlife Federation
in opposition
to
House bill 2977

Good afternoon Representative Holmes and members of the Committee, My name is Spencer Tomb. I am from Manhattan and currently serve as Past President of the Kansas Wildlife Federation and as a member of the Federation's Issues and Actions Committee.

The Kansas Wildlife Federation is Kansas' largest, broad based, non profit, wildlife conservation and education organization with 6,000 members across the state of Kansas. The Kansas Wildlife Federation is the Kansas affiliate of the National Wildlife Federation whose 10,000 Kansas members join KWF in our concern for natural resource conservation.

House Bill 2977 would require KDWP to inventory their lands on 1 October 1994 and that amount of land would be the maximum that the Department could own or manage. We rise in opposition to this bill because it will end the Wildlife and Parks ability to purchase or receive land. Kansas ranks dead last in the amount of public land for outdoor recreation with only 3% of its land as public lands. In other words, 49 other states have more public land for recreation than Kansas. Only 2% is suitable for public outdoor recreation. As additional Kansas citizens move to urban areas more lands will be needed for outdoor recreation.

The Kansas Wildlife Federation is particularly sensitive to the need for public hunting lands or Wildlife Management Areas in Kansas. There is also a need to be able to protect sensitive habitats from loss or degradation an example of this is Pillsbury Crossing on Deep Creek near Manhattan. Wildlife Management Areas are not a drain on the state economy or the agency budgets as they essentially pay for themselves by license dollars and Federal excise taxes.

KDWP must retain the ability to accept gifts of land and to purchase land with the budgetary oversight by the Legislature. Lands need to be purchased by a carefully crafted plan to provide public recreation as well as to protect unique or rare scenic and biological situations. The agency's Strategic Plan has their plan for land acquisition spelled out.

This bill would take away a basic and fundamental property right. A willing seller or giver of land should be able to dispose of land how ever they see fit when it poses no environmental, health or safety problems for the neighbors.

We ask that this bill be allowed to die in this Committee.

*Energy, Natural Resources
Attachment # 4
3/7/94*

STATE OF KANSAS



Joan Finney
Governor

DEPARTMENT OF WILDLIFE & PARKS

Theodore D. Ensley
Secretary

OFFICE OF THE SECRETARY
900 SW Jackson St., Suite 502 / Topeka, Kansas 66612 - 1233
(913) 296-2281 / FAX (913) 296-6953

H.B. 2977

Testimony Presented To: House Energy and Natural Resources Committee

Provided By: Kansas Department of Wildlife and Parks

March 7, 1994

H.B. 2977 would require the Department to submit to the Governor and the Legislature, by October 1, 1994, an inventory of all real property owned or managed by the Department. The inventory would include a brief description of the real property and number of acres managed. On and after October 1, 1994, the Department could not manage any acreage in excess of the amount of acreage included in the inventory.

The Department of Wildlife and Parks is charged with management and protection of our fish and wildlife resources and with providing recreational opportunities to our citizens and visitors to our state. Management of land in some capacity, either through ownership or a contractual arrangement, is a critically important tool in performing the Department's mission.

This bill, if passed, would effectively prohibit the Department from addressing present and future demands with one of the most important tools at our disposal -- the ability to consider resource and public needs through management of lands. It does not prevent consideration of additional property, but it would require disposal of existing property first so as to not exceed the maximum acreage established by the required inventory. Disposal of property is a time consuming process that would generally negate the ability to secure new ownership or management of valuable properties.

Disposal of real property is not a simple issue nor is it one to be taken lightly in view of the scarcity of such public land in

Energy & Natural Resources
Attachment # 5
3/7/94

Kansas. To discuss the real property disposal issue, it is important to separate real property into state parks (and like properties) and fish and wildlife properties. The provisions of several federal and state laws would be involved. It would also not be proper to dispose of fish and wildlife properties to make room for state park or like property increases and the converse would also be true.

Fish and wildlife properties purchased or managed under the Pittman-Robertson Act and/or the Dingell-Johnson Act may be disposed of. However, such disposal must conform to the provisions of fish and wildlife federal aid programs. Those provisions center around the determination of "no longer needed" for project purposes. It is doubtful that properties could be classified as no longer needed for purposes of disposal just to secure other properties. Improvements to properties are also subject to federal aid rules with reimbursements to the federal aid programs required based on usable life span left on the improvements. Covenants involving protection of such items as wetlands would be required to remain with the land when disposed.

Managed lands have fewer requirements, but contractual stipulations would be involved. Any improvements performed with federal aid assistance would be subject to reimbursements to the federal aid programs based on the improvements remaining life span. Covenants protecting special items, such as wetlands, would be required.

Real property acquired through use of Land and Water Conservation Fund (LWCF) assistance may be disposed of, but receipts must be reinvested in real property of equal or superior value. The value of improvements to LWCF properties may have to be repaid to that fund based on the improvements remaining life span or replaced in the form of improvements on other properties. LWCF may not be available for cost share on the other improvements.

Other funds of note which have been used by the Department and could be impacted include: U. S. Coast Guard recreational boating safety funds, Endangered Species Act funds and the Clean Water Act funds. It is also important to note that some real property is under ownership by the Department as a result of donations and wills.

These properties generally have covenants and reversion clauses which could impact disposal efforts.

National surveys indicate the value of the fish and wildlife resource and related recreation to Kansas at \$542 million annually without any standard multipliers involved. Additional values associated with the state park system substantially increase that amount. Public lands, through ownership and management, contribute heavily to those values. Statutory limitations which can unnecessarily restrict economic values are not in the best interests of resource management, the publics we serve or the state of Kansas.

Short and long-term financial commitments associated with management and development of real property must be carefully considered from a financial aspect prior to assuming ownership or managerial status. Resource and public needs, suitability of the property for management, and Strategic Plan program requirements are also among the primary factors to be considered before some form of management of additional real property is accomplished. Some properties require a significant financial commitment while others involve only very minor expenditures.

The difficulty of or inability to consider other properties would restrict the options of landowners who choose to involve the Department with management or entrust the Department with ownership of their properties. It would also limit a person wishing to sell property from considering a potential buyer of worthwhile property. In the case of ownership, the Department does not remove the properties from county tax roles and agricultural uses of those properties are continued. These are key issues which impact property purchase or ownership by the Department if not properly considered.

The immediate attention of this bill is new ownerships and managerial agreements for real properties. However, this would involve and adversely impact numerous Department programs. The status of properties made available to the Department through the Wildtrust program (donations, wills and estates) and Wildscape (a private foundation) would be affected. The managerial role of the Department in response to the Riparian and Wetland Act, which involves voluntary easements, may be affected. The Community Lake Assistance Program, which involves a fisheries management

relationship with communities and local units of government, is a habitat related property management effort which may be impacted. The Playa Lakes Joint Venture program would be halted.

The Department of Wildlife and Parks strongly opposes H.B. 2977. Meeting the needs of the state's fish and wildlife resources and addressing public demands for recreational opportunity are often dependent on our ability to manage property. The Department carefully weighs the benefits and the liabilities of each property prior to assuming a managerial role and will continue to do so.

All real property currently managed by the Department is not of equal priority for either fish and wildlife management or recreation or both. But all are important and serve recognized goals and objectives. If they do not, then disposal is an option with or without H.B. 2977. The Department is aware of no such properties under our management. H.B. 2977 would serve to negate future resource and recreational opportunities for Kansas and force decisions that are not driven by resource or public needs. It is the Department's position that the missions and statutory responsibilities of the Department for resource management and public recreation opportunities are not served by the restrictions of H.B. 2977.

STATE OF KANSAS



Joan Finney
Governor

DEPARTMENT OF WILDLIFE & PARKS

James Holderman, Chairman
Commissioner
1021 Denker
Wichita, KS 67216-1202
(316) 267-5008

Theodore D. Ensley
Secretary

Testimony Presented to the House Energy and Natural Resources
Committee on **H.B. 2977** for the Kansas Wildlife and Parks
Commission.

On behalf of the Wildlife and Parks Commission, I wish to convey the Commission's opposition to H.B. 2977. The ability to manage fish, wildlife and recreational properties is of critical importance for meeting statutory responsibilities and addressing public needs.

The type of properties that would be involved are quite scarce in Kansas and we can ill-afford to relinquish properties that are fulfilling a need. However, that would be the case under H.B. 2977. The Department's ability to adequately perform numerous programs would be compromised and the ultimate losers would be the very resources and publics we are charged to serve. We encourage the House Energy and Natural Resources Committee to not approve H.B. 2977.

*Energy & Natural Resources
Attachment #6
3/7/94*

March 7, 1994

Representative Carl Holmes, Chairman
Energy and Natural Resources

Mr. Chairman - Members of the Committee

A brief history of why SB 606.

When the Department of Wildlife and Parks initiated a two turkey season, it was permissible to take two on the same day.


I believe the next year the Rules and Regulations were changed that permitted the taking of one turkey per day with the proper permits. Until this year, I believe the procedure to legally hunt turkey was you purchased a permit for one turkey and then drew for an extra permit to take one additional bird.

This year you buy a single permit for an increased price and you get two tags. The reason for this change is that the turkey population has increased to the point that sufficient numbers exist to allow for a two bird harvest.

In testimony to the Senate Committee the Department of Wildlife and Parks gave no compelling evidence that the population would be affected by allowing two birds on the same day.

The bill addresses 1995 and 1996 spring turkey hunting season allowing two years for the Department of Wildlife and Parks to determine if there is some justification for not allowing the taking of two birds on a single day.

I stand for questions.



SENATOR BILL WISDOM

Energy & Natural Resources
Attachment #7

3/7/94

STATE OF KANSAS



Joan Finney
Governor

DEPARTMENT OF WILDLIFE & PARKS

Theodore D. Ensley
Secretary

OFFICE OF THE SECRETARY

900 SW Jackson St., Suite 502 / Topeka, Kansas 66612 - 1233
(913) 296-2281 / FAX (913) 296-6953

S.B. 606

Testimony Presented To: House Energy and Natural Resources
Committee

Provided By: Kansas Department of Wildlife and Parks
March 7, 1994

S.B. 606 would provide for the taking of more than one turkey per day if the legal limit in a turkey hunting unit was more than one and the individual was authorized to take more than one turkey. Currently, under K.A.R. 115-25-6, a person authorized to take more than one turkey is restricted to no more than one turkey per day. The provisions of this bill would be effective for the 1995 and 1996 spring turkey seasons.

The current restrictions were instituted under regulatory authority of the Department and Commission pursuant to action taken during a public hearing on the regulation. There is some concern that taking two turkeys on the same day may increase the harvest of young toms or "jakes" as they are known and may lead to increases in crippling loss. These concerns are under investigation and review with other states with information gained to be used in setting future seasons. However, the primary reasons for the regulatory decision were to encourage hunting effort and ethics and promote more days in the field.

Should a bill of this nature become law and biological problems are discovered with a two bird per day harvest, amendment to law would be required rather than a regulatory amendment which can be accomplished in a more responsive time frame. The Department must oppose S.B. 606.

Energy & Natural Resources
Attachment #8
3/7/94

STATE OF KANSAS



Joan Finney
Governor

DEPARTMENT OF WILDLIFE & PARKS

James Holderman, Chairman
Commissioner
1021 Denker
Wichita, KS 67216-1202
(316) 267-5008

Theodore D. Ensley
Secretary

March 3, 1994

Representative Carl Holmes, Chairman
House Energy and Natural Resources Committee
State Capitol, Room 115-S
BLDG. MAIL

Dear Representative Holmes:

This letter is to draw your attention to S.B. 606 which has passed the Senate and is now in the House Energy and Natural Resources Committee. The Wildlife and Parks Commission has addressed the issues of S.B. 606 on at least four occasions during public meetings and regulatory hearings. We will be considering those same issues again this year in two different public Commission meetings.

During the 1993 Commission meeting where the 1994 spring turkey season was established, there were no members of the public that spoke against the one turkey per day restriction that S.B. 606 seeks to change. Several Commission members felt quite strongly that such a restriction is desirable. It encourages more days afield, and for nonresidents, longer stays in Kansas. It also promotes a higher standard of hunting ethics due to the challenging nature of turkey hunting.

The Commission strongly believes this should remain a regulatory issue. We believe we have performed in a responsible manner and have approached the issue fairly and openly in a public forum. Given the legislative interest, the Commission will make special efforts to obtain input from turkey hunters regarding the daily bag prior to taking a regulatory action for the 1995 spring turkey season. However, if S.B. 606 becomes law, that choice will no longer exist for the 1995 and 1996 spring turkey hunting seasons.

*Energy & Natural Resources
Attachment #9)*

3/7/94

The Wildlife and Parks Commission is very concerned with the intent and the provisions of S.B. 606. The bill is scheduled to be heard on March 7 in the House Energy and Natural Resources Committee. We ask that the committee consider very carefully the broader, long-range impacts of this legislation.

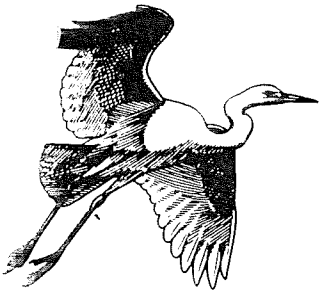
Sincerely,



Jim Holderman
Chairman

JH:jr

xc: Representative Robert H. Miller, Speaker of the House
Representative Michael "Tom" Sawyer, Minority Leader
Senator Paul Bud Burke, President
Senator Gerald "Jerry" Karr, Minority Leader
Senator Don Sallee, Chairman
Energy and Natural Resources Committee
Wildlife and Parks Commissioners
Theodore D. Ensley, Secretary



Kansas Audubon Council

13330 166th Rd. - Mayetta, KS 66509

March 1, 1994

The Honorable Carl Holmes
Chair, Energy and Natural Resources
The House of Representatives
Room 115-S, State Capitol Building
Topeka, KS 66612

Dear Representative Holmes,

As Legislative Chair for the Kansas Audubon Council, I am writing to express our concern over SB 606, setting specific spring season limits on turkeys, which we understand has been referred to your committee.

Although this bill by itself is probably not a major issue, we feel that it sets the deleterious precedent of interfering with the ability of Kansas Department of Wildlife and Parks to properly manage game animals, a popular natural resource. Management of these animals needs to be based upon sound biology - the number of animals in the population from year to year - rather than on a law which would be too inflexible to change with changing animal numbers.

If the law passes, then during times of drought when turkey numbers could be expected to plummet, we still would have a set harvest which could negatively impact the health of a population already stressed. Conversely, in times of plenty when it might be beneficial to remove even more birds, the limit would be legally capped.

In closing, I would like to recommend that SB 606 not be passed. It interferes with Ks. Dept. of Wildlife and Parks' ability to appropriately manage a constantly changing natural resource and sets an inappropriate precedent of legislatively mandating what should be a regulatory process.

Sincerely,

Cynthia A. Abbott
Legislative Chair

Energy & Natural Resources
Attachment #16
3/1/94

Rankin
DRUG INC.

204 West State Street

Phillipsburg, Kansas 67441

(913) 543-3131

Rep. Fred Gatlin
Kansas House of Representatives
Topeka, Kansas 67601

March 4, 1994

Dear Rep. Gatlin

Just a short note to express my strong opposition to Senate bill 606 regarding the spring turkey season.

It has always been my belief that the job of the legislature was to define problems and suggest solutions to them not to micro-manage areas that should be left up to professional staff that is hired to do so. The Wildlife and Parks Dept. is by far more qualified to set limits and seasons on the wildlife resources of Kansas than some self-serving Senator.

There are other reasons to leave the regulations as they are. Quality of the hunt, danger of overkill to the flock, revenue from out of state hunters are but a few. A no vote from you would be greatly appreciated. Leave the management to the professionals.

Sincerely,

David R. Rankin

David R. Rankin

House ENR
3-7-94
Attachment # 11



Thomas C. Krauss, D.D.S. - Forensic Consultant

252 F Street, Phillipsburg, KS 67661 913-543-2123 (Res.) 913-543-3678

March 4, 1994

Rep. Fred Gatlin
Kansas House of Representatives
Topeka, Kansas

Dear Fred:

I am writing you in opposition of the bill passed by the Senate allowing the harvesting of two turkeys in one day. My reasons are:

1. It inappropriately introduces the legislative process into the realm of game resource management. This should be the function of the Wildlife and Parks who have the experience, knowledge, and day to day contact with the resource. There needs to be a flexibility for proper management of a wild life resource and the passage of this bill inhibits this important ability.
2. The W&P Commission holds public hearings to provide the public opportunity for input in setting the seasons, method of hunting, and the bag limit. It is my understanding that those interested in harvesting two turkeys in one day neglected to participate in any of these public hearings. Legislative action certainly isn't appropriate when normal procedures haven't been exercised.
3. The hunting experience is the most important feature of turkey hunting, not filling the bag! For the true turkey hunter the hunt begins several weeks before the season with scouting trips afield. As a turkey hunter of many years, it isn't unusual to have opportunity to kill two turkeys with one shot and/or get two turkeys separately at the same time. Just killing two turkeys is not the goal of a true turkey hunter.

Respectfully,

Thomas C. Krauss, D.D.S.

House ExNR
March 7, 1994

Attachment # 12