

Testimony on Senate Bill No. 120  
To  
House Committee on Agriculture and Natural Resources

By Robin Jennison  
Secretary  
Kansas Department of Wildlife, Parks, and Tourism

March 12, 2015

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify regarding the land purchases of the Kansas Department of Wildlife Parks and Tourism. Land purchases are at the very basics of the mission of KDWP. We are to conserve and enhance the Natural Resources of the state of Kansas. Key to that role is providing access and opportunity for Kansans to enjoy the outdoors of Kansas.

Times have changed. When I was young, many private property owners didn't require permission for us to access their ground to hunt or fish. Today is much different. With over 97% of Kansas land being in private hands and access to that property being an issue, it falls to KDWP to provide that opportunity.

We provide opportunity through our Walk in Hunting Program (WIHA) and our Public Lands. We have just over One million acres of walk in Hunting. WIHA is predominately in Western Kansas and predominately on CRP acres. For the Department to provide access in eastern Kansas we must rely on public grounds.

Senate Bill 120 addresses that issue by exempting Natural Resource Damage Program (NRD) fund purchases from legislative approval. The US Fish and Wildlife Service (USFWS) and the Kansas Department of Health and Environment (KDHE) jointly implement the NRD Program in Kansas. The Governor has appointed the Secretary of KDHE as the Natural Resource Trustee for natural resources of the state. A statewide Memorandum of Agreement has been completed between these two agencies that establish the trusteeship for the state. USFWS is the federal trustee and KDHE is the state trustee.

The Trustees use the NRD program to assess the amount of injury to the state's natural resources and seek damages from the responsible party to compensate the public for the loss of natural resources. NRD sites can occur throughout the state but the primary focus is the former lead and zinc mining areas of the Tri-State Mining District in southeast Kansas. The Settlement payments were awarded to the trustees for damages to the environment and natural resources in the district.

KDWPT, in cooperation with the trustees, is responsible for management, restoration activities, and allowing public access on the properties selected. Public ownership of this property would provide restoration, protection and conservation of this important ecosystem. These funds are to only be used in the 4 county region in SE Kansas, Cherokee, Crawford, Neosho, and Labette counties, to help preserve and reestablish the grasslands in this area.

KDWPT is one of several partners with the trustees to help in their mission. They are also working closely with other Non-Government Organizations (NGO) for uses of this money such as the Nature Conservancy, The Kansas Land trust, Sunflower Trust, Pheasants Forever, and Pittsburg State University. Lands acquired by these NGO's do help in the trustees mission, but do not have the additional benefit of allowing public access to the Kansas Sportsmen and women, and provide an enhancement to the tourism industry in the area.

The process that the Department goes through to purchase ground is a rather cumbersome process and seeking approval by the legislature further exacerbates that process for purchases that use NRD funds. Allowing the purchases, with NRD funds only, to bypass the legislative approval requirement will allow the KDWPT and the trustees to work toward achieving both of our missions and benefit the citizens of the State.

The Senate did amend the bill on the floor to restrict the NRD fund purchases to the four county area described above and to 640 acres or less. The Department does not consider this amendment to be a hindrance to acquisition of the NRD properties. However, the Senate did further reduce the ability of the Department to generally purchase property by reducing the amount of land from 320 to 160 acres without Legislative approval. The Department does oppose this change because it is a significant deviation from past and current allowances. That property purchasing restriction was in recent years 640 acres. Being sympathetic to the Legislature's concerns the Department worked with the legislature in 2011 and the 640 limit was reduced to 320 acres. Not only does this hinder the Department in purchasing property, it also burdens the free market enterprise and restricts willing landowners from selling their property to whomever they choose.

Madam Chairman and members of the committee, the Department understands some legislators have concern with public ownership of ground. However, it is important to remember, in Kansas, 97% of our land is owned by the private sector and there is benefit when dealing with threatened/endangered species, riparian work, and obviously access to help to manage the wildlife resources of the state to apply that management on public ground to ease the burden on private land owners.

Thank you for your consideration of this bill

Sincerely,

Robin Jennison, Secretary  
Kansas Department of Wildlife Parks, and Tourism