



Since 1894

KLA Natural Resources Committee Meeting

Thursday, December 2, 2021

1:00 p.m. to 2:30 p.m.

Meeting Room Birch – 203

Century II Convention Center

Wichita, KS

Chairman: **Shawn Tiffany**, Herington

Vice Chairman: **Greg Schultz**, Quenemo

*** AGENDA ***

1. Introductions.
2. Climate Policy and Sustainability Update
 - Mary-Thomas Hart, Environmental Counsel, NCBA
3. Review of SB 279, the Wind Generation Permit and Property Protection Act, and relevant KLA policy
 - Aaron Popelka, V.P. Legal & Governmental Affairs, KLA
4. Review of 2019 Expiring Policy Resolutions:
 - #26 SERICEA LESPEDEZA (2019)
 - #28 NOXIOUS WEED LAW (2019)
 - #29 MANURE USED AS A FERTILIZER (2019)
 - #30 AGRICULTURAL BURNING (2019)
 - #31 WILDFIRE SUPPRESSION (2019)
 - #33 TRESPASSING NEXT TO NAVIGABLE STREAMS (2019)
 - #37 KANSAS GRAZING LANDS COALITION AND AFFILIATES (2019)
 - #44 CLEAN WATER ACT (2019)

Note: Resolutions with a 2019 date will expire unless amended and/or reaffirmed.
5. Review of 2020 and 2021 Policy Resolutions:
 - #3 TAXATION OF WINDPOWER (2020)
 - #23 CONSERVATION RESERVE PROGRAM (CRP) (2021)
 - #25 WILD/FERAL HORSES AND BURROS (2020)
 - #27 NOXIOUS WEEDS INTRODUCED BY GOVERNMENT ENTITIES (2021)
 - #32 PROTECTION OF PRIVATE PROPERTY AND USE OF EMINENT DOMAIN (2020)
 - #34 ZONING OF AGRICULTURAL LAND AND BUILDINGS (2020)

- #35 PROTECTION OF SURFACE INTERESTS (2021)
- #36 PROPERTY RIGHTS AND WIND ENERGY (2020)
- #38 CONSERVATION EASEMENT FUNDING PROGRAM (2021)
- #39 PRAIRIE DOGS AND BLACK-FOOTED FERRETS (2020)
- #40 LESSER PRAIRIE CHICKEN (2020)
 - i. Recommended amendment
- #41 DEER (2020)
- #42 DAM INSPECTION LAW (2020)
- #43 ENVIRONMENTAL REGULATION (2021)

Note: Resolutions with a 2020 or 2021 date will automatically renew as stated unless amended or repealed.

6. Consideration of new policy resolutions.
7. Other business?
8. Adjournment.



Rabo AgriFinance

40. LESSER PRAIRIE CHICKEN (2020)

WHEREAS, the lesser prairie chicken (LPC) is a native, grassland-nesting, upland bird found in mixed grass, sand-sage, and shinnery oak prairies of western Kansas, much of which is privately held land ~~utilized by farmers and ranchers for livestock production~~, and

WHEREAS, environmental activist groups forced the U.S. Fish and Wildlife Service (FWS) to list the ~~lesser prairie chicken~~LPC as a threatened species under the Endangered Species Act (ESA) on April 10, 2014, ~~but that listing was vacated by a federal court in 2016. despite data that demonstrates voluntary, incentive-based conservation programs have stabilized and grown the lesser prairie chicken population and habitat in Kansas, and~~

~~WHEREAS, as part of its 2014 listing decision, FWS created a “Special Rule for the lesser prairie chicken” commonly known as the “4(d) Rule” that granted incidental take protection to routine agricultural practices on cultivated land if the land was cultivated within the five years preceding the listing, but did not provide incidental take protection to private grasslands used in livestock production, and~~

~~WHEREAS, on July 19, 2016, FWS responded to a federal court ruling that vacated the threatened species listing by removing the lesser prairie chicken from the federal list of threatened and endangered wildlife, and~~

~~WHEREAS, FWS officials, responding to a petition to relist the lesser prairie chicken as an endangered species, made a preliminary finding on November 29, 2016, that substantial evidence was present to warrant further review of the species, and~~

WHEREAS, in 2016 environmental activist groups again filed a petition with FWS to relist the LPC as a threatened or endangered species, filed a lawsuit in 2019 to force FWS to decide whether to list the lesser prairie chicken LPC as a threatened or endangered species, and thereafter, FWS settled the lawsuit by agreeing to make a listing decision by May 26, 2021, and

WHEREAS, on June 1, 2021, the FWS published a proposed rule to list the LPC as threatened in Kansas, Colorado, Oklahoma, and parts of Texas; as endangered in New Mexico and other parts of Texas; and included a 4(d) Rule that granted incidental take protection to routine agricultural practices on cultivated land in areas where the LPC is considered threatened, but specifically excluded livestock grazing practices from such protections, and

WHEREAS, listing of the ~~lesser prairie chicken~~LPC as a threatened species under the ESA is likely to frustrate ongoing voluntary conservation efforts, and

WHEREAS, while the Western Association of Fish and Wildlife Agencies (WAFWA) ~~has successfully implemented some voluntary conservation for the LPC through~~ mismanaged the Lesser Prairie Chicken Range-Wide Conservation Plan (Range-Wide Plan), ~~by purchasing fee title to ranchland in competition with ranchers rather than procuring conservation easements, and by depleting the Range-Wide Plan’s operating funds through alleged mismanagement of funds, and~~

~~WHEREAS, WAFWA has completed an audit of its management of the Range-Wide Plan demonstrated WAFWA mismanaged funds and conservation activities, but has yet to release those results to the public.~~

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports voluntary, incentive-based conservation efforts ~~like the Natural Resources Conservation Service’s Lesser Prairie Chicken Initiative and the Range-Wide Plan~~ as a means to preserve and enhance the population of the lesser prairie chicken LPCs in Kansas.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes listing the ~~lesser prairie chicken~~LPC as a threatened or endangered species under the ESA.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports inclusion of grazing lands in any future 4(d) Rule for the ~~lesser prairie chicken~~LPC with similar incidental take protections as ~~previously were have been proposed for~~ afforded cultivated lands ~~if the species is listed as a threatened or endangered species under the ESA.~~

BE IT FURTHER RESOLVED, the Kansas Livestock Association is opposed to the fee title acquisition of grazing lands under the Range-Wide Plan as a means of providing long-term conservation for the ~~lesser prairie chicken~~LPC.

BE IT FURTHER RESOLVED, the Kansas Livestock Association calls on WAFWA to ~~either~~ resign as the administrator of the Range-Wide Plan, ~~or publicly release the audit of the Range-Wide Plan and work with stakeholders to address WAFWA's shortcomings identified in the audit.~~



2021 Policy Resolutions

for consideration by the

Natural Resources Committee

3. TAXATION OF WIND POWER (2020) **Renews Automatically**

WHEREAS, farm and ranch land in Kansas has been identified as an ideal location for the development of large-scale commercial wind-powered electric generating facilities, and

WHEREAS, Kansas law exempts such facilities from ad valorem taxation, and

WHEREAS, wind power development companies have offered in lieu of tax payments to local units of government and schools where such facilities are proposed, and

WHEREAS, property taxes on agricultural land have become a significant financial burden for landowners in many rural areas of Kansas.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislation to require wind power facilities to pay local property taxes.

BE IT FURTHER RESOLVED, the state should develop an appraisal or assessment procedure, such as a graduated schedule over a ten-year period, which encourages development in Kansas.

23. CONSERVATION RESERVE PROGRAM (CRP) (2021) **Renews Automatically**

WHEREAS, haying/grazing for livestock production is currently prohibited on CRP land, except in emergency situations, managed harvesting, prescribed grazing, routine grazing, grazing by a beginning farmer or rancher, and seasonal grazing of vegetative buffer practices incidental to agricultural practices on adjacent land, and

WHEREAS, the 2018 Farm Bill established 27 million acres as the maximum number of CRP acres to be enrolled through 2023, and

WHEREAS, native grass species found in CRP acres would receive specific benefits from grazing.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association urges USDA to establish a rental rate formula that assures the most sensitive land remain in CRP.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports amendments to the CRP law that clarify emergency forage is one purpose of CRP.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes legislation increasing the number of additional acres that may be enrolled in CRP.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports rules to allow periodic non-emergency and emergency haying and grazing as approved by an NRCS management plan, including CRP lands planted with CP 25 grass mixtures to address rare and declining wildlife habitat.

BE IT FURTHER RESOLVED, the Kansas Livestock Association believes farmers and ranchers who graze or hay any CRP land should have their annual CRP payment reduced as per contract terms.

25. WILD/FERAL HORSES AND BURROS (2020) **Renews Automatically**

WHEREAS, the population of wild/feral horses and burros in the western United States continues to outpace natural death loss and adoption rates, leading to rapid overpopulation, starvation, and dehydration, and

WHEREAS, this overpopulation greatly contributes to range degradation, reducing the biodiversity and productivity for wildlife and livestock, and

WHEREAS, the annual federal fiscal year budget for the wild horse and burro program exceeds \$80 million, compared to \$36.7 million in 2004, and

WHEREAS, according to a 2010 report by the U.S. Department of the Interior's Office of Inspector General (OIG), the costs of the Wild Horse and Burro Program are "not sustainable for the animals, the environment or the taxpayer," and

WHEREAS, moving these animals from their native range to other regions of the United States only transfers the problems instead of solving them, and

WHEREAS, the federal government is competing with Kansas livestock producers for grazing land with taxpayer money.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association favors the use of euthanasia, fertility control, harvesting, and other humane means of reduction and management of the population of wild/feral horses and burros, and opposes the federal government competing with livestock producers for grazing land through the translocation of these animals to other regions of the United States.

26. SERICEA LESPEDEZA (2019) Expiring

WHEREAS, sericea lespedeza is a statewide noxious weed that is a non-native plant that has infested grasslands in Kansas, and

WHEREAS, sericea lespedeza is difficult to control and chemical treatment is not always cost-effective, and

WHEREAS, this non-native invasive species is rapidly infesting grasslands in Kansas and in 2016 was reportedly found on over 498,883 acres in 59 counties across the state.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislation and/or efforts to allow county weed departments to combine their efforts and resources in acquiring and distributing chemicals for treating lands infested with sericea lespedeza.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports additional coordinated research and educational efforts between the Kansas State University Extension Service; Natural Resources Conservation Service; and other interested agencies, associations, and/or persons to identify cost-effective practices for controlling sericea lespedeza.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports federal legislation and regulatory efforts to provide financial assistance to landowners for invasive species control and eradication programs.

27. NOXIOUS WEEDS INTRODUCED BY GOVERNMENT ENTITIES (2021) Renews Automatically

WHEREAS, invasive plant species, such as sericea lespedeza, crown vetch, and Old World bluestem were introduced and planted in Kansas by state and federal agencies for wildlife habitat and erosion control, and

WHEREAS, multiple pest management approaches have been and are being developed and landowners should not be restricted to certain methods of weed control or prohibited from certain land management practices, and

WHEREAS, existing Farm Bill programs like the Environmental Quality Incentives Program (EQIP) have proven ineffective to control spread of invasive species and unnecessarily restrictive of landowner-determined land uses.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association believes state and federal agencies should share financial responsibility for control of invasive plants, on private land, introduced

by the state and federal agencies without unnecessarily restricting the ability of the landowners to utilize and manage their property.

28. NOXIOUS WEED LAW (2019) Expiring

WHEREAS, the Kansas noxious weed law was amended and updated during the 2018 Kansas legislative session.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports state laws that (a) enhance enforcement of noxious weed violations on state or federally owned and/or managed lands; (b) authorize the Kansas Secretary of Agriculture to add weeds to or remove plants from the noxious weed list following recommendations from an advisory committee; and (c) authorize counties to declare noxious weeds within their jurisdictions, with oversight from the Kansas Department of Agriculture.

29. MANURE USED AS FERTILIZER (2019) Expiring

WHEREAS, the escalating cost of inorganic fertilizer has caused farmers and ranchers to look for alternative sources of fertilizer, and

WHEREAS, current state and federal environmental laws do not dictate the methods or rates at which farmers and ranchers apply fertilizers and do not require concentrated animal feeding operations (CAFOs) to monitor application of off-site manure exports.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports voluntary, incentive-based efforts by the Kansas Department of Agriculture, Division of Conservation to educate farmers and ranchers about best management practices for storage and application of manure, and the Natural Resources Conservation Services' use of Environmental Quality Incentives Program cost-share funds to assist producers with proper storage and application methods.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes any effort by the state or federal government to require CAFOs to include off-site manure exports in nutrient management plans or otherwise be responsible for third-party application methods and opposes regulations that would dictate how farmers or ranchers could apply cattle manure, poultry litter, or other fertilizers.

30. AGRICULTURAL BURNING (2019) Expiring

WHEREAS, the burning of agricultural land is a commonly used land-management practice in Kansas, and

WHEREAS, the prescribed burning of native prairies has an ecological and economical value, which preserves the prairie ecosystem and enhances cattle production, and

WHEREAS, in recent years, prescribed burning in the Flint Hills has contributed to exceedances of the federal air quality standard for ozone in Kansas City and Wichita, and

WHEREAS, the Environmental Protection Agency (EPA) encouraged Kansas to adopt and implement a "Smoke Management Plan" (SMP) to reduce the number of days Flint Hills burning causes air quality problems for Kansas and downwind states, and

WHEREAS, KDHE adopted an SMP in 2010 after considerable input and guidance from stakeholders to enable EPA to disregard the monitoring data if air quality problems are caused by Flint Hills burning, and

WHEREAS, the Flint Hills SMP relies on voluntary measures to reduce emissions from prescribed burning of rangeland in the Flint Hills, and

WHEREAS, the Kansas Livestock Association was a participant in drafting the SMP and encourages its members to utilize the information available, as a result of the SMP, to schedule prescribed burns in a manner that minimizes the chances of causing air quality problems for areas of high or concentrated population centers.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association encourages EPA to (1) not seek regulatory proposals that inhibit prescribed burning of native grass grazing lands, (2) resist

proposals to lower the air quality standards for ozone levels, and (3) recognize that air quality problems caused by prescribed burning is a rare event that should not penalize cities for nonattainment of federal clean air guidelines.

31. WILDFIRE SUPPRESSION (2019) Expiring

WHEREAS, the two largest wildfires in the last 50 years in Kansas occurred in 2016 and 2017, burning over 1 million acres and causing at least \$80 million in damages and losses, and

WHEREAS, three state agencies have wildfire suppression duties in Kansas, and

WHEREAS, a recent Kansas Legislative Post Audit Performance Report noted Kansas devotes fewer state resources to wildfire suppression compared to other Great Plains states, and

WHEREAS, this report also recommends the Kansas Legislature consider amending state law to designate a single state entity to lead the state’s wildfire suppression efforts.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association (1) supports increased state funding for wildfire suppression, (2) encourages state agencies to enhance their collaborative efforts to increase efficiency and effectiveness in wildfire suppression programs, and (3) supports state and federal enhancements for local fire districts and volunteer firefighters.

32. PROTECTION OF PRIVATE PROPERTY AND USE OF EMINENT DOMAIN (2020)

Renews Automatically

WHEREAS, private property rights are one of the basic pillars of a free enterprise society, and

WHEREAS, the preservation of private property rights is a policy objective of the Kansas Livestock Association.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislative, judicial, and administrative initiatives to prevent the use of eminent domain powers by governmental entities as a tool to take private property from one party and transfer to another party for profit or private gain.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislative, judicial, and administrative initiatives that require governmental entities proposing to use eminent domain powers to acquire property for public or private projects to demonstrate the proposed project does not violate state and federal laws prior to any condemnation of property.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislation that provides for full compensation to property owners for any property interest taken through eminent domain.

BE IT FURTHER RESOLVED, the Kansas Livestock Association believes that if a certificate of convenience is issued to an entity for a public purpose, the certificate and any subsequent condemnation should be limited in scope to authorize only the minimum amount of intrusion on private property necessary to accomplish the public purpose.

33. TRESPASSING NEXT TO NAVIGABLE STREAMS (2019) Expiring

WHEREAS, Kansas law recognizes the Kansas, Arkansas and Missouri rivers as “navigable” streams and the corridors between the ordinary high water marks on each bank of these rivers are considered public property, and

WHEREAS, the Kansas navigable stream law acknowledges land next to navigable streams is not considered public property if owned by a private landowner, and

WHEREAS, permission is required from adjacent landowners before a person may access the navigable rivers as well as when picnicking, camping, portaging or engaging in any other activity on the adjacent private lands, and

WHEREAS, riparian landowners next to navigable streams, especially the Arkansas River, have experienced numerous trespassing incidents and conflicts from individuals and groups recreating with motorized vehicles on and adjacent to the Arkansas River streambed, and

WHEREAS, riparian landowners are the only stakeholders along navigable waterways possessing actual property rights.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association urges local and state law enforcement officials to actively enforce state trespassing laws along navigable streams in Kansas.

34. ZONING OF AGRICULTURAL LAND AND BUILDINGS (2020) *Renews Automatically*

WHEREAS, the preservation of private property rights is a policy objective of the Kansas Livestock Association, and

WHEREAS, agricultural enterprises succeed best when decisions about agricultural land and the construction, maintenance, and use of agricultural structures are left to the property owner and free from government interference, and

WHEREAS, the Kansas Legislature has recognized and preserved the right of property owners to use agricultural land and buildings free from regulations under the Kansas planning and zoning act, and

WHEREAS, numerous Kansas counties have chosen not to follow the Legislature's mandate to exempt the use of agricultural land and buildings from planning and zoning regulations, infringing on the property rights of farmers and ranchers.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports current state laws that prohibit local governments from enacting any regulations that apply to agricultural land use or the construction and maintenance of buildings used for agricultural purposes outside of city limits, and opposes any attempt to weaken those exemptions.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislative, judicial, and administrative initiatives to compensate private property owners who are forced to defend their right to use agricultural land and buildings from planning and zoning resolutions and ordinances, promulgated by local governing bodies, that violate state statutes prohibiting such resolutions and ordinances.

35. PROTECTION OF SURFACE INTERESTS (2021) *Renews Automatically*

WHEREAS, the preservation of private property rights is a policy objective of the Kansas Livestock Association, and

WHEREAS, surface interest owners of property often are not consulted when oil and gas operations are conducted on their property, and

WHEREAS, the Kansas Livestock Association supports the importance of allowing freedom and flexibility in contract.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislation to protect the private property rights of surface interest owners from property destruction due to oil and gas operations. Oil and gas operations must be able to develop the minerals under the property concerned, but should respect surface rights and compensate for damages.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports the rights of surface owners to receive notice when oil and gas operations will cause damage to their surface interest when conducted on their property.

36. PROPERTY RIGHTS AND WIND ENERGY (2020) *Renews Automatically*

WHEREAS, the protection of private property rights of landowners is a fundamental belief of the members of the Kansas Livestock Association, and

WHEREAS, government actions to restrict or remove opportunities for wind development in specific designated geographic areas of Kansas take a property right of landowners within the area, and

WHEREAS, landowners who choose not to develop their property or are prohibited from doing so by local, state or federal policies are providing a benefit to all Kansans and future generations, and

WHEREAS, the Kansas Livestock Association believes there are some areas in Kansas that are special and should receive consideration. The Flint Hills, the Smoky Hills, and the Gyp Hills contain many of those special or scenic places, and

WHEREAS, landowners should not be required to unilaterally carry the burdens of society's desire to maintain the current viewscape and lost economic opportunity through governmental regulation limiting wind development.

THEREFORE BE IT RESOLVED, if local, state, or federal actions restrict or remove opportunities for wind development in specific areas of Kansas, the government should provide compensation and/or financial incentives to landowners whose property rights have been taken.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes renewable portfolio standards for wind energy.

37. KANSAS GRAZING LANDS COALITION AND AFFILIATES (2019) Expiring

WHEREAS, the Kansas Grazing Lands Coalition and affiliates, including other regional grazing groups like Tallgrass Legacy Alliance and Post Rock Grazers, are working on cooperative initiatives to enhance and restore the biological, economic, and cultural well-being of the grazing lands in Kansas, and

WHEREAS, the Kansas Grazing Lands Coalition and its affiliates' objectives are to continue as rancher-driven coalitions that help landowners voluntarily manage grazing lands in a fiscally and ecologically sustainable manner.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports the objectives of the Kansas Grazing Lands Coalition and its regional affiliates and encourages Kansas Livestock Association members to participate in the coalition's organizational activities.

38. CONSERVATION EASEMENT FUNDING PROGRAM (2021) Renews Automatically

WHEREAS, at least 29 states provide funding or tax incentives for the purchase of conservation easements, on a voluntary basis, that preserve working farms and ranches, and

WHEREAS, since 2003 Kansas farm and ranch landowners have granted perpetual conservation easements on over 188,000 acres, and

WHEREAS, USDA's Agricultural Conservation Easement Program (ACEP) provides funding for the purchase of perpetual conservation easements from private landowners, provided a non-federal entity is able to match a portion of the contribution, and

WHEREAS, state general fund dollars are not available for matching USDA's ACEP funds in Kansas.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports state legislation creating a Kansas conservation easement funding source.

BE IT FURTHER RESOLVED, any Kansas conservation easement purchase program should authorize qualified private conservation organizations to hold and administer the easements.

BE IT FURTHER RESOLVED, the Kansas Livestock Association believes the Kansas Department of Agriculture, Division of Conservation is the appropriate state agency to administer a Kansas conservation easement funding program.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes state legislation that prohibits Kansas landowners from voluntarily agreeing to a perpetual conservation easement agreement.

39. PRAIRIE DOGS AND BLACK-FOOTED FERRETS (2020) *Renews Automatically*

WHEREAS, in recent years, the black-tailed prairie dog population has significantly increased in some areas of western Kansas, and

WHEREAS, prairie dogs tend to migrate and create new and/or increasing populations on additional grazing lands, and

WHEREAS, prairie dogs reduce forage available for livestock and often inhabit grazing lands where they are unwanted, and

WHEREAS, landowners and/or local units of governments who seek to control unwanted prairie dog populations incur significant expenses, and

WHEREAS, the U.S. Fish and Wildlife Service (FWS) has introduced the black-footed ferret, a federally endangered species that depends exclusively on prairie dogs for food and shelter, and

WHEREAS, the FWS made certain commitments to private landowners to prevent adverse impacts from prairie dogs that were expected to accompany reintroduction of the black-footed ferret, and FWS has failed to meet those commitments.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association opposes state and federal legislation or regulations that would restrain local government officials' ability to control prairie dogs.

BE IT FURTHER RESOLVED, the Kansas Livestock Association urges the FWS to remove the black-footed ferret from reintroduction sites in Kansas.

40. LESSER PRAIRIE CHICKEN (2020) *Renews Automatically*

WHEREAS, the lesser prairie chicken is a native, grassland-nesting, upland bird found in mixed grass, sand-sage, and shinnery oak prairies of western Kansas, much of which is privately held land utilized by farmers and ranchers for livestock production, and

WHEREAS, environmental activist groups forced the U.S. Fish and Wildlife Service (FWS) to list the lesser prairie chicken as a threatened species under the Endangered Species Act (ESA) on April 10, 2014, despite data that demonstrates voluntary, incentive-based conservation programs have stabilized and grown the lesser prairie chicken population and habitat in Kansas, and

WHEREAS, as part of its 2014 listing decision, FWS created a "Special Rule for the lesser prairie chicken" commonly known as the "4(d) Rule" that granted incidental take protection to routine agricultural practices on cultivated land if the land was cultivated within the five years preceding the listing, but did not provide incidental take protection to private grasslands used in livestock production, and

WHEREAS, on July 19, 2016, FWS responded to a federal court ruling that vacated the threatened species listing by removing the lesser prairie chicken from the federal list of threatened and endangered wildlife, and

WHEREAS, FWS officials, responding to a petition to relist the lesser prairie chicken as an endangered species, made a preliminary finding on November 29, 2016, that substantial evidence was present to warrant further review of the species, and

WHEREAS, environmental activist groups filed a lawsuit in 2019 to force FWS to decide whether to list the lesser prairie chicken as a threatened or endangered species, and thereafter, FWS settled the lawsuit by agreeing to make a listing decision by May 26, 2021, and

WHEREAS, listing of the lesser prairie chicken as a threatened species under the ESA is likely to frustrate ongoing voluntary conservation efforts, and

WHEREAS, the Western Association of Fish and Wildlife Agencies (WAFWA) has mismanaged the Lesser Prairie Chicken Range-Wide Conservation Plan (Range-Wide Plan) by purchasing fee title to rangeland in competition with ranchers rather than procuring conservation easements, and by depleting the Range-Wide Plan's operating funds through alleged mismanagement of funds, and

WHEREAS, WAFWA has completed an audit of its management of the Range-Wide Plan, but has yet to release those results to the public.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports voluntary, incentive-based efforts like the Natural Resources Conservation Service's Lesser Prairie Chicken Initiative and the Range-Wide Plan as a means to preserve and enhance the population of lesser prairie chickens in Kansas.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes listing the lesser prairie chicken as a threatened or endangered species under the ESA .

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports inclusion of grazing lands in any future 4(d) Rule for the lesser prairie chicken with similar incidental take protections as previously were afforded cultivated lands if the species is listed as a threatened or endangered species under the ESA.

BE IT FURTHER RESOLVED, the Kansas Livestock Association is opposed to the fee title acquisition of grazing lands under the Range-Wide Plan as a means of providing long-term conservation for the lesser prairie chicken.

BE IT FURTHER RESOLVED, the Kansas Livestock Association calls on WAFWA to either resign as the administrator of the Range-Wide Plan, or publicly release the audit of the Range-Wide Plan and work with stakeholders to address WAFWA's shortcomings identified in the audit.

41. DEER (2020) *Renews Automatically*

WHEREAS, the deer population in Kansas is causing significant problems to landowners and tenants.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislation to financially compensate farmers and ranchers experiencing significant crop damage from deer and other wildlife. This compensation should be equal to the loss incurred.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports changes in Kansas law to allow farmers and ranchers more flexibility and legal authority to control deer and other wildlife causing damage to crops and livestock.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports state legislation amending deer hunting laws to allow landowners and tenants to acquire a deer hunting tag or permit that may be transferred to a resident or nonresident for use on the landowner/tenant's property.

42. DAM INSPECTION LAW (2020) *Renews Automatically*

WHEREAS, the building and maintenance of dams in Kansas is critical to the development of drinking water resources and flood control, and

WHEREAS, current Kansas law requires dam owners to inspect their dams at their own expense, and

WHEREAS, the Kansas law requiring dam owners to inspect their dams at their own expense is financially burdensome for both private and public dam owners, and

WHEREAS, a dam owner's inspection burden can be increased when a dam's hazard classification is changed by downstream development over which the dam owner has no control, creating an unpredictable financial situation for the dam owner, and

WHEREAS, current Kansas law allows the Division of Water Resources to force dam owners to inspect and repair their dams at the dam owner's expense, even if the only structures downstream of the dam belong to the dam owner.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislation reforming the current dam inspection requirements set forth in Kansas law.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislation that (1) prohibits the Division of Water Resources from re-classifying any dam to a higher hazard class due to

downstream development; (2) rolls the hazard classification of any dam that has been re-classified due to downstream development back to its original hazard classification at the time of its construction or the dam's last voluntary structural modification; (3) abolishes the dam inspection requirements for any dam that would only endanger the lives and property of the dam owner, operator, or their immediate family if the dam were to fail; (4) abolishes the dam repair requirement for any dam that would only endanger the lives and property of the dam owner, operator, or their immediate family if the dam were to fail; (5) creates additional accountability and oversight of the Division of Water Resources; (6) requires the Division of Water Resources to notify dam owners when it intends to enter or inspect a property; and (7) directs the Division of Water Resources to create breach wave inundation maps clearly defining potential flood zones so that public and private interests are aware of the risks posed by building in or occupying areas below dams.

43. ENVIRONMENTAL REGULATION (2021) *Renews Automatically*

WHEREAS, the mission of the Kansas Livestock Association is to advance members' common business interests and enhance their ability to meet consumer demand, and

WHEREAS, agriculture, in particular livestock operations, are a vital part of the Kansas economy, and

WHEREAS, livestock operations require consistent, science-based, uniform environmental laws and regulations to maintain a favorable business environment, and

WHEREAS, climate change, air, and water pollution regulation is or may be proposed at state and federal levels that may impact agricultural operations including livestock operations, and

WHEREAS, federal and state court and administrative regulatory decisions regarding greenhouse gas emissions and air or water pollutants may directly impact livestock and agricultural operations.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislative, judicial, or administrative actions to minimize the effects of environmental laws, regulations, or judicial determinations on livestock operations and to maximize the economic opportunities for agricultural and livestock operations to meet such regulations.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislative, judicial, and administrative actions that allow maximum flexibility for agricultural and livestock operations to meet regulatory obligations.

44. CLEAN WATER ACT (2019) *Expiring*

WHEREAS, water is a precious resource that has social, environmental, and economic value, and is a resource that members of the Kansas Livestock Association manage for the benefit of society and the stability of the livestock industry.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association urges the appropriate agencies to recognize the states' abilities to best manage the water resources within their jurisdictions.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes amendments to the Clean Water Act or federal regulations that would usurp state primacy issues or impair state water allocations, management systems, and property rights.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes federal legislation and agency rulemakings that propose to expand federal jurisdiction of the Clean Water Act, including proposals to redefine "Waters of the United States".

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports language in the Clean Water Act that would uphold and promote voluntary educational programs directed at nonpoint source management practices that consider environmental and economic impact.

BE IT FURTHER RESOLVED, the Kansas Livestock Association encourages the state and federal governments to work together with landowners to assure water quality laws and regulations recognize and preserve private property and exempt private waters.

BE IT FURTHER RESOLVED, the Kansas Livestock Association requests that all water quality standards, including stream classifications, designated uses, and total maximum daily loads, be practical, reasonable, and attainable within the scope of the Clean Water Act.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes legislation that would establish new and separate environmental standards in addition to those set forth in the National Pollutant Discharge Elimination System permitting program under the Clean Water Act.