

**The KNRC Journal** is a publication of the Kansas Natural Resource Council, a non-profit 501(c)3 organization whose purpose is to advocate for the protection, preservation and restoration of the Kansas environment in order to ensure the health and quality of life for all Kansas. KNRC is funded by memberships, donations and grants. All donations are tax-deductible.

**Jim Mason - Editor**

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**Visit our website:** [www.knrc.ws](http://www.knrc.ws)



**Kansas Natural  
Resource Council**

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Topeka, KS 66601**



# **Kansas Natural Resource Council**

## **Winter 2004 Journal**

### **Speak Up For Your Local Stream!**

**By Dave Murphy  
KNRC Board Member**

Under the Clean Water Act, states are required to preserve the water quality of lakes and streams for various "designated uses", which are defined as those water uses identified in state water quality standards that must be achieved and maintained. These designated uses are based upon those uses that the state has established as "attainable" – what a lake or stream currently supports or is capable of supporting, given reasonable care.

Examples of designated uses include primary or secondary contact recreation, drinking water supply, mussel harvesting and catching of fish for consumption. Primary contact recreational uses include activities such as swimming, kayaking or other activities in which the ingestion of water is likely. Canoeing, by Kansas statute, is considered "secondary contact recreation", as are wading, fishing and other activities in which water ingestion is unlikely.

Not every conceivable use of water must be formally designated, but taken together the designated uses must establish high enough standards to support and protect all existing uses. Each water body will typically have many designated uses. Once an existing use has been established it must be protected and once water quality that is sufficient for a use has been achieved then that quality cannot be legally degraded regardless of whether that use is actually being made currently or not.

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- Recovering from the blind side
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Designated uses are constantly under review and revision, but recreational uses are currently under dramatic revision due to changes in Kansas's laws. These changes require the Kansas Department of Health and Environment (KDHE) to review recreational designation on all streams within a three-year window that ends December 31, 2005.

#### **A stream will be classified if:**

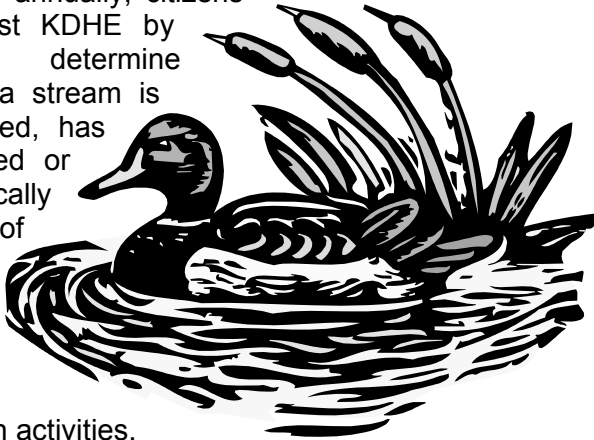
1. It is determined by the U.S. Geological Survey to have greater than one cubic foot per second median flow in that stream, or
2. It is actually inhabited by threatened or endangered aquatic species, or
3. It receives an NPDES discharge, or
4. A scientific study conducted by the department shows that during periods of flow less than one cubic foot per second the stream segment provides important refuge for aquatic life and permits biological recolonization of intermittently flowing segments.

A stream will not be assigned designated uses unless it is classified. All streams, classified or unclassified, are subject to compliance with narrative water quality criteria that provide the water remain free from such things as an oil sheen, artificial color, solids build up, etc.

As an example of where one part of the state stands now, you can download the 2003 proposed recreational use designations for the Lower Arkansas basin at:  
[http://www.kdhe.state.ks.us/befs/download/2003\\_field\\_uuas\\_lower\\_arkansas.pdf](http://www.kdhe.state.ks.us/befs/download/2003_field_uuas_lower_arkansas.pdf)  
or you can get a copy by calling KDHE at **785-296-5569**.

Since KDHE is statutorily required to assess all streams in the state to determine recreational designated use, the agency began the process in 2002 with reviewing a set number of streams each year and will have completed a review of all stream segments in the state in 2005. However, there is some limitation to assessing all streams due to some of them being on private property.

Because of the limitation mentioned above and because only a set number of streams are assessed annually, citizens can assist KDHE by helping determine whether a stream is being used, has been used or is physically capable of being used for primary contact recreation activities.



Don't let your favorite swimmin' hole go overlooked! If you or anyone you know has used any part of a stream for primary contact recreation (swimming, kayaking, etc.), then your information will help KDHE in its review to determine whether to have that stream's water quality protected by establishing a designated use, to make or keep that stream's water quality suitable for swimming – one of the highest levels of protection possible under current law. But unless people speak up, some streams, such as in areas where KDHE can't gain access, may not be designated for primary contact recreational use. Thus your information could help to protect the quality of the water and assist in determining its designation.

It's easy to do. Just present reasonable evidence of recreational use to:  
**Bureau of Environmental Field Services  
KDHE**

**1000 SW Jackson  
Topeka, KS 66612**

The evidence you present can be as simple as a letter accompanied by a picture of someone swimming in the stream, or a letter with multiple signatures giving testimony to current or historic uses (uses since November 1975). Call for assistance in the process if you need it. (785-296-5569)

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### **From The President** **By Bob Haughwout**

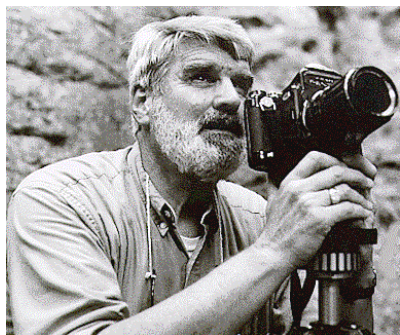
Hard to believe another year is about gone. Seems like just yesterday we were monitoring the opening of the 2004 session of the Kansas Legislature. And now it is time to prepare for monitoring the 2005 session.

Much has happened this past year with KNRC. Jay Barnes, our Executive Director for the past several years, decided to pursue other opportunities and left this summer. Jay did a great deal of work for KNRC during his tenure and will be sorely missed. One of his legacies is the relationship-building he did with members of the legislature and regulatory agencies. He brought an attitude of openness and willingness to listen to all sides of the issue while presenting our views. His approach served us well and we will be looking to continue that mindset as we search for a replacement.

The Kansas Natural Resource Council played host to a conference in Wichita where the results of our survey of Kansans about their attitudes towards the environment and health were presented. Our partnership with The Wichita State University on this survey was another example of how KNRC works with others to accomplish what needs to be done. Our goal now is to build on the survey results and keep the link between good health and a healthy environment on the minds of ordinary Kansans, regulators, and legislators as they make choices and decisions.

## **Board Member Profile:**

Robert Lindholm practiced environmental law for more than two decades in the Office of the Missouri Attorney General. He received the Conservationist of the Year Award from the Conservation Federation of Missouri, the National Conservation Award from the Izaak Walton League, a Certificate of Appreciation from the U.S. Department of Education, the



Citizens Award from the American Fisheries Society and the Ansel Adams Award from the Sierra Club. He received the Distinguished Alumnus Award from the University of

Missouri. He has had more than 60 conservation photographic exhibits in this country and Europe, and his conservation and photographic articles have appeared in more than 15 magazines. He served as chairman of the Environmental Projects Committee of the St. Louis Bar Association, and chairman of the Environmental Law Committee of the Missouri Bar Association. He is in Who's Who in the Midwest and is a major (retired) in the U.S. Marine Corps Reserve.

## **The Urban Shift and the 2005-2006 Legislature**

**by Jim Mason  
KNRC Secretary & Webmaster**

As a society, we are becoming less rural and more urban as more people move out of the country and into metropolitan areas. That shift has begun to make its inevitable effect on the Kansas legislature. Redistricting based on the 2000 census has made more legislative districts "urban" than ever before. Now, following the 2004 elections, each party has determined their committee memberships for the upcoming session and the majority party has determined chair and vice-chair positions. Evidence of the rural-urban shift can be seen in the new chair of the Senate Natural Resources committee. Formerly held by Robert Tyson, a rural senator who was an implacable foe of environmental interests, the chair position for the upcoming session will be held by Carolyn McGinn, a newly-elected moderate from the Sedgwick county delegation who holds a Masters degree from the Friends University Environmental Studies program. This could be very good news for Kansas environmentalists.

KNRC will be watching the new legislature carefully, as always, and we'll be sending out notices on legislation of interest to KNRC members through our KLUE email newsletter. Members who want to receive these updates during the session should drop a note to me at >jmason15@cox.net< and I'll add you to the distribution list.

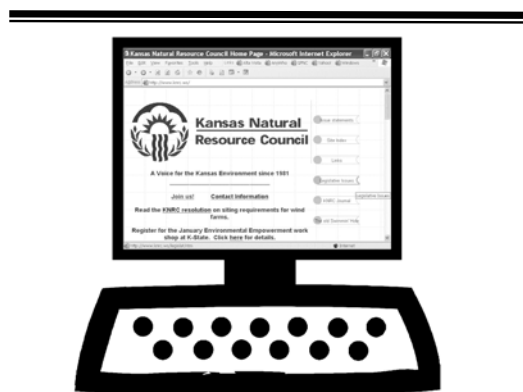
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Have you renewed your membership for 2005?  
If not, please take a minute and send in your check. KNRC depends on the support of our members.

Annual dues are:

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|--------------------------------|-------|
| - Student/Senior               | \$ 15 |
| - Individual                   | \$ 25 |
| - Family                       | \$ 30 |
| - Organizational/Institutional | \$ 50 |
| - Contributing                 | \$100 |
| - Supporting                   | \$200 |
| - Sustaining                   | \$300 |

**Thank you!**



While the legislature is in session, visit the KNRC website at [www.knrc.ws](http://www.knrc.ws) for:

- ✓ Information on the status of relevant bills
- ✓ Names and email links for committee members

more temperature increases become more solidly grounded every year. The oceans are important as carbon sinks (see February 2004 National Geographic), and CO2 levels are rising there as they are in the atmosphere. If the ocean carbon sinks become inoperative from overloading the result could be catastrophic. The “storing of CO2 in the ocean is important and has helped keep the CO2 balance, and the link between changing atmospheric chemistry and the changing oceans is undisputable.”

Increasing temperatures in Northern coniferous forests make them more fire prone, and could eventually raise the incidence of fires by more than half. Recent devastating forest fires in the Western United States have taken place in drought-affected areas. Deforestation and human activities in the great Asian forests have “...turned El Niños from creators into destroyers.” While they may vary from region to region, and the cause is still not completely firm, many experts attribute the results on a global scale to global warming. “Climate models for the 21st century project with 66 to 90 percent likelihood greater ENSO (El Niño Southern Oscillation) related floods and droughts around the planet.”

Concentrations of CO2 are now at the highest level recorded for the past 400,000 years and show no signs of leveling off. And so it is incumbent upon us as the present generation to take steps to limit further impacts since it is clear we will not be able, at this late date, to eliminate them. But if we fail to take limiting steps the impacts will continue to worsen for future generations and their reaction time will continue to shrink. Dr. Wilson writes that in the 20th century humanity experienced exponential scientific and technical advances and savage World Wars. And while so preoccupied it managed to decimate the natural environment and carelessly draw down the nonrenewable resources of the planet, accelerating the erasure of entire ecosystems and extinction of thousands of million year old species. Man, he says, was too preoccupied to notice whether the ability of the Earth to support our growth was finite. We have discovered it is finite, but on a hopeful note he concludes “we may be ready to settle down before we wreck the planet...” The question of the 21st century is: “How best can we shift to a culture of permanence, both for

ourselves and for the biosphere that supports our own?” And if we don’t, “Why, our descendents will ask, by needlessly extinguishing the lives of other species did we permanently impoverish our own?”



So it is our duty to future generations to understand the very serious situation into which we have taken the planet, so aptly stated in The Future of Life and the National Geographic, and then help others also understand the problems we face and the consequences if we fail to address them, now. As Dr. Wilson says we are “inside a bottleneck of overpopulation and wasteful consumption” and the situation is desperate. Dr. Wilson also points out that the disparity in consumption births more terrorists in the deprived countries. The issues involving the natural world are complex. Years ago Ned Kenworthy, a New York Times reporter who covered national politics in Washington, D.C. told me after he was assigned to cover the environment that it was far more complex than his earlier assignment covering politics. But it is essential we learn from Dr. Wilson and other authoritative sources to understand where we stand, even though so complex, and then inform others of the consequences if we fail. Future generations count on us, and it is like a medical diagnosis, far more harm can result from a wrong diagnosis if it is negative than if it is positive. Years ago when viewing an environmental disaster in Missouri, then Missouri Attorney General John Danforth turned and asked me, “What are we leaving for our children?” Surely we want it to be better than this. It is no longer a matter of ideology or politics; it is a matter of sustainable living for our children and future generations. Who would deny that to them?

Our annual membership renewal letter for 2005 was mailed in November. Your support, both financially and as a registered member, is what makes KNRC strong. Please take the time to renew your membership now if you haven't already done so. And help us grow KNRC. If you know someone who ought to know about us, please consider giving them a membership.

As always, send us your thoughts, ideas and suggestions for KNRC. This is your organization - tell us where you think it needs to be better and what is working well. Thank you all for your support this past year. I look forward to another successful year for KNRC in 2005.

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## **Habitat Inventory Completed For Several Eastern Kansas Counties**

**By Margaret Thomas  
KNRC Board Member**

On October 7, Dr. Kelly Kindscher of the Kansas Biological Survey presented a slide presentation to the 3rd annual Forum on Kansas Environmental Issues. The Forum was held in Village Presbyterian Church in Prairie Village and was co-sponsored by KNRC and the Prairie Village Environmental Committee. Dr. Kindscher reported on his recently completed inventory of native prairies and forest remaining in Johnson, Wyandotte, Douglas, Leavenworth and Miami counties.

The purpose of the inventory was to develop information that could help policy makers reach a better balance between the need for development and the need to preserve remaining natural areas in the rapidly developing Kansas City region. Other objectives were to document the locations of protected and rare animal and plant species in these areas for the Kansas Natural Heritage Inventory (KSNHI) database; to provide management recommendations to landowners interested in preserving and restoring natural areas on their property; and to identify sensitive environmental areas, potential parklands, and scenic recreational areas.

This information will be valuable for planning purposes and will provide an opportunity for

Douglas, Johnson, Leavenworth, Miami, and Wyandotte Counties to lead in the integration of conservation planning with development planning. Protecting these natural areas yields major public benefits because they buffer pollution, protect water quality, prevent soil erosion, improve land values, and provide opportunities for outdoor recreation. They are reservoirs of biological diversity and sanctuaries for sensitive and declining species. And due to their beauty and historical context, are places that people like to visit.



Dr. Kindscher and his survey team used satellite data and aerial photos, drove roads, and walked lands looking for natural areas that closely approximate

the native tallgrass prairie and oak-hickory forest that existed prior to European settlement. Public land surveys of the 1850s document that prairie covered 84% of Johnson County, 75% of Wyandotte County, 94% of Douglas County, and 90% of Leavenworth and Miami counties. Researchers identified:

- 1) 4 small areas of native prairie (2 sites) and forest in Johnson County,
- 2) 3 forested sites in Wyandotte County
- 3) 9 native prairies and 2 forests in Leavenworth County
- 4) 77 native prairies and 2 forests in Miami County
- 5) 140 native prairies and 9 forests in Douglas County
- 6) 60 locations in all these counties of the rare Mead's milkweed (*Asclepias meadii*).

Dr. Kindscher stressed the importance of city/county planning offices using these data in their planning and encourages open space plans as well as purchase of these tracts when possible or conservation easements. He asked for help in developing county open space plans that protect natural diversity, such as in these natural areas, and create additional habitat on

public lands by restoration. Specifically, he hopes to encourage large prairie restoration projects at the Sunflower Army Ammunition in Johnson County. He mentioned that anyone can become a restorationist on their own land, be it a field, garden, or just a back yard.

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## **Recovering From The Blind Side**

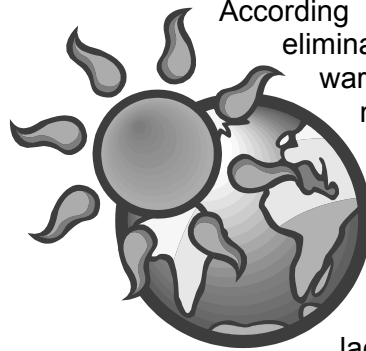
**© Robert M. Lindholm  
KNRC Board Member**

On December 7th, 1941, a day President Roosevelt called a day to live in infamy, the United States Pacific Fleet suffered a crippling blow from a sneak attack on Pearl Harbor. Fortunately, the carrier force was not in the harbor and escaped destruction. But it was some years before the Navy recovered and the long road to victory could begin. On September 11th, 2001, another sneak attack from the air struck the World Trade Center buildings in New York and the Pentagon, cost thousands of lives and caused tremendous damage. It is now three years since that attack and you might say there has been recovery, but the impact is still with us in the things we must do to guard against terrorist attack. When an NFL quarterback is blindsided, if he is lucky he will recover and return to the game in a matter of minutes unless seriously injured, then he might be lost for one or more games or the rest of the season.

There is now a blind side coming from our own hands. James Michener in his book, *The World is My Home* wrote of the politicians and talk show hosts who viciously "...abused, vilified and scorned every noble cause to which I had devoted my entire life." The blindside has recently developed in large part from those commentators and politicians typified by Michener, those who ideologically commented and reported on the impacts that will so seriously and adversely impact our planet and our children and theirs. They denigrated warnings about things such as species extinction, global warming, overpopulation, deforestation, ocean warming and changes in ocean currents that have tremendous impact on the planet's weather and storms. They glossed over those conditions keeping the public unconcerned about them or believing they are of

such little significance that we need not be concerned. Thus they delayed palliative efforts while global warming, excessive fossil fuel burning and deforestation continued to grow worse. According to the National Geographic September, 2004 issue on global warming, it is the functioning of a balanced Earth's atmosphere that makes the world inhabitable. Yet the United States three years ago "spurned the Kyoto Protocol," an international protocol aimed at slowing global warming to try to maintain this balance.

So there has been another blind side created about the devastation of the planet, but unlike ones in any of our earlier experiences. This is one for which recovery cannot take place in our lifetime, or of our children or theirs. In fact it would create a state of the planet putting recovery beyond our human reach, as both Dr. Edward Wilson in his book *The Future of Life* and the National Geographic point out.



According to both, it is too late to eliminate impacts of global warming, and we must take measures to limit them, and now. Terrorist attacks and the attack on Pearl Harbor present no greater threats than our assaults on the planet, yet our response has been lacking to deal with these new threats. And the distressing thing about foregoing actions to limit global warming and all of its impacts is the attitude of those who would continue to delay such actions, even though these serious threats to the natural world are here and growing. Consider increased storms; four hurricanes hitting the Southeast United States in such a short time, crop crippling droughts in the Midwest, melting glaciers and ice packs affecting sea levels and other ocean conditions. Failing to deal with these problems is as destructive as any terrorist attack. Ask anyone affected by the four hurricanes hitting the Southeastern United States, Mexico and the Caribbean countries in rapid-fire succession.

Dr. Edward Wilson, one of the world's leading scientists and two times Pulitzer Prize winner, the September, 2004 issue of the National Geographic, and the July/August, 2004 issue of Health Magazine, all cite impacts based on fact,

not just theory. And these warnings and those going back much further, have been unheeded by the recent conservative administrations that failed to take action to keep impacts from growing worse.

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According to the National Geographic, over the past 150 years temperatures have risen from greenhouse gases resulting from activities of man beginning with the industrial revolution, causing myriad consequences, including glaciers all over the world to melt. In Glacier National Park the number of glaciers has dropped from 120 to 30, and most of those remaining are down about 2/3's. This melting is projected to cause sea levels around the world to rise and could severely damage cities like New York. One projection puts the rise between 4 and 35 inches by the end of the century. And more people than ever are living on or near coasts. "Even if we were to stop CO2 emissions now, we are committed to global warming." And that will cause an effect on oceans' thermohaline

circulation, an ocean circulation system. "Paleoclimatologists have shown just how important this ocean circulation system – the North Atlantic conveyor – is to the climate of the entire planet." "Oceans provide life-sustaining circulation to the planet... (and) are critical in cooling, warming and watering the planet's terrestrial surfaces – and in transferring heat from the Equator to the Poles."

In his book, Dr. Wilson addresses habitat loss as a primary cause for species extinction, and deforestation as a major contributor. Clear cutting he says can eliminate scores of species in one stroke. And "...the loss of forests during

the past half-century is one of the most profound and rapid environmental changes in the history of the planet. Its impact on biodiversity is automatic and severe." Biodiversity is important to stable ecosystems, and an ecosystem that still has rich biodiversity has the ability to recover from disaster much quicker and more completely than one without it. This deforestation is also a major contributor to global warming.

Healthy ecosystems and rich biodiversity are important not just esthetically. The dollar amount of benefits to humanity from ecosystems provided free by nature is stated in The Future of Life as \$33 billion or more each year. Reliance on unnatural means for these services puts both the biosphere and humanity at risk. We are discovering tremendous values in pharmaceuticals from biodiversity and Bioprospecting "is the wave of the future." Dr. Wilson concludes "...it is safe to say that at least a fifth of the species of plants and animals will be gone or committed to early extinction by 2030, and half by the end of the century," - if all conservation efforts are kept at the present level.

Population has soared from 1 billion in the 1840's to more than 6 billion today, adding 200,000 people every day, putting ever increasing stress on the planet's resources at present levels of consumption. If all the world were to reach the level of U.S. consumption, four more worlds would be required to provide life sustaining resources. This problem is being addressed in "more than half the developing countries... (which) had official population policies to accompany their economic and military policies, and more than 90 per cent of the rest stated their intent to follow suit. The United States, where the idea is still virtually taboo, remains a stunning exception." And that position is in danger of becoming worse. "Access Denied," an article in Prevention Magazine for August 2004, states that there are efforts in this country to prevent dispensing birth control pills, another blow against overpopulation problems and private rights.

Dr. Wilson writes there can no longer be any reasonable doubt of global warming caused in good part by industrial activity, fossil fuels and cutting and burning of forests, and predictions of