

STATE OF KANSAS

CAPITOL BUILDING, ROOM 241 SOUTH
TOPEKA, KS 66612



PHONE: (785) 296-3232
GOVERNOR.KANSAS.GOV

GOVERNOR LAURA KELLY

September 8, 2023

Martha Williams, Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Dear Director Williams,

As the U.S. Fish and Wildlife Service (the Service) is a key partner in the conservation of Kansas's natural resources and the health and vitality of the central Kansas region, I am writing to share my concern and the community's concern for the economic effects that an immediate call for the Service's senior water rights in the Rattlesnake Creek Basin would have on the surrounding community's economic vitality.

In addition to being home to the Quivira National Wildlife Refuge (the Refuge), an important sanctuary for many migratory and resident species, central Kansas is home to an essential and robust community of agriculture producers and associated rural businesses that constitute the largest industry and private sector employer throughout much of this region of the state. Despite at times challenging conditions, including the current and persistent drought, the Refuge and surrounding farms have existed alongside each other for much of our state's history, each serving as stewards of the surrounding land and water and providing habitat for local wildlife.

As a result of these producers' contributions to the surrounding economy, an abrupt change in farming practices—which would be required by an immediate call for the Service's senior water rights—could devastate the entire region, including municipalities, schools, residents, and businesses not directly involved in the agricultural sector. I would refer you to the letter sent by a group of 32 local officials dated August 29, 2023, which I have attached to this letter, that attests to the effects this action could have.

I commend you for your previous work to collaborate with the regional Groundwater Management District #5 (GMD #5), agreeing to a framework in 2020 that provided a collaborative approach to increase streamflow in the Rattlesnake Creek and begin to address the impairment issue identified by the Kansas Department of Agriculture Division of Water Resources. I would call on you to return to that framework, including continued engagement with regional leaders, members of Congress, my administration, the Kansas Department of Agriculture, and GMD #5.

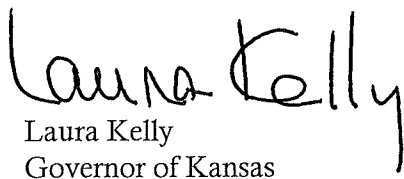
Sustained collaboration could be especially helpful in developing innovative solutions that provide for restoration of adequate streamflow in the basin when water for the refuge is most needed and providing a path forward that avoids acute economic harm to local communities, without the Service losing any rights.

Failure to reach a collaborative and gradual solution will create unnecessary economic hardships for local businesses and communities that will ripple across the state and region.

Letter to Martha Williams, Director
U.S. Fish and Wildlife Service
Re: QNWR Request
September 8, 2023
Page 2 of 2.

Thank you for considering the economic impact to producers and communities. We seek a solution that is collaborative in nature, gradual in its implementation, and that will ensure the long-term health of the Refuge.

Respectfully,


Laura Kelly
Governor of Kansas



STAFFORD COUNTY

OFFICE OF
COUNTY CLERK

COURTHOUSE

P.O. BOX 296
209 N. BROADWAY
ST. JOHN, KANSAS 67576
(620) 549-3509

August 29, 2023

Martha Williams
Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Dear Director Williams,

We are writing to express our grave concern for the negative consequences to our local communities if Quivira National Wildlife Refuge asserts a call for water through the Kansas Department of Agriculture Division of Water Resources that will result in drastic reductions to the water rights of irrigators, small municipalities, rural water districts, small businesses, individuals, and livestock owners. Quite simply, this decision could be catastrophic to the local economy, and we need your support in accepting an alternative to slashing existing water rights in 2024 that is wise for both local communities and the environment.

As you may know, ten years ago Service filed a claim to the Kansas Department of Agriculture – Division of Water Resources ("KDA-DWR") that the water flowing into the Refuge from Rattlesnake Creek has been negatively impacted by irrigation. There have been years of deliberations and analysis as to whether there is a connection between streamflow and irrigation, and if so, what is the best way to provide the desired water to Quivira NWR. In 2019 the parties involved, including the Chief Engineer at KDA-DWR, agreed to a plan of augmentation to the refuge in lieu of drastic cuts to other water right holders in the region. As you may know, augmentation would involve drilling new wells to provide additional water, and this plan was determined by the Engineer to be an acceptable method for providing the additional water the Service is entitled to under his earlier ruling. It is important to note that this is not a water conservation measure for a declining water table; the ground water table in this area is stable and the issue at hand is to provide additional surface water to the Refuge. The question is how that augmentation will occur, where the wells will be drilled, where the water will be delivered, and if additional reductions in irrigation will also be required. The parties involved are working on the federally-required assessment required by the National Environmental Policy Act. As you know, federal processes take time, and the circumstances surrounding COVID beginning in 2020 have slowed the process as well.

We ask that you agree to let the NEPA process continue as planned and not make a call for water in 2023 or 2024.

If irrigation and municipal usage is curtailed, it will be disastrous to the local rural economy, and as leaders in the organizations that depend on the local revenue generated by property taxes to exist, we want to communicate the crushing effect this would have. An assessment of the economic impact by the cuts proposed in 2019 determined that the amount of revenue that irrigated cropland in the affected area brings into the local economy is approximately \$190 million per year, and under proposals being considered to require reductions in irrigation, this could be reduced by \$20 to \$50 million per year for perpetuity. We understand that the cuts DWR is proposing in 2024 would cut the amount of water available to junior water right holders twice as much as in 2019, so the impact would be all the more severe. A current proposal to build a man-made infrastructure to build and pump water to supplement the flow of the Rattlesnake Creek could be tens of millions to build, a cost to be borne nearly completely by farmers. In reducing irrigation, there would be a ripple effect in the revenue of businesses that employ people and provide services in agronomy, grain merchandizing and storage, fuel, fertilizer, agriculture equipment, as well as in non-agriculture related retail, housing, and health care. School enrollment in districts, already small and operating in innovative ways to maintain high quality education on small budgets, would drop and possibly threaten the ability to keep the doors open. Land prices would fall, negatively impacting the tax base on which local governments and schools depend. It would cripple agricultural banking that has collateralized loans based on current land valuations, which would not only threaten existing loans but would freeze future lending. Using a multiplier provided by the Kansas City Federal Reserve Bank, this full effect could range from \$30 million to \$125 million per year in this local region in the 2019 proposal – and again, if the cuts to water are twice as much in 2024 as was proposed in 2019 impact could be twice as drastic. In this rural area, there simply is not another source of commerce that would replace that revenue. The impact of even 5% mandated reduction in agricultural production would dwarf the effect of any other state or federal initiative intended to stimulate economic or community growth, whether it be tax policy or any of a myriad of government-administered programs.

The impact will not only be felt as the current economic environment is dismantled, but also in the potential for new development is lost. In Edwards County there is a proposed dairy that which will bring \$250 million in investment and 150 employees, which will likely not move forward if the water cuts are enacted. Stafford County proposes a railroad transportation hub that will bring approximately \$50 million in investment, anchored by grain transportation, and it will be adversely affected if agricultural production is curtailed.

To put these costs into perspective, the assessed (tax) valuation in Stafford County, which is the heart of the affected area is about \$90 million per year, including all land, improvements, housing, commercial property, utilities, and personal property. The county budget for Stafford County, at the heart of the affected area, is under \$8 million. St. John-Hudson school district, also in the heart of the affected area, has an annual budget of about \$5 million. The general funds of Cities of Stafford, St. John, and Macksville, the three largest towns in the county, are each under \$1 million. The surrounding counties, their towns, and their school districts have budgets of similar scope and similarly experience crushing direct effects as well as a ripple effect throughout the community. The many signatures below are a testament to the widespread and deep consequences not only to farmers and the businesses that serve them, but also to small towns, school districts, and county governments.

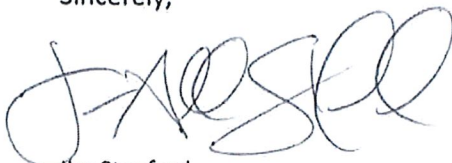
The decimation of the local economy, however, is not necessary and a different course of action is possible if our government leaders will choose it.

Finally, we want to make clear the environmental context of this action. This proposed reductions in irrigation do not reduce aquifer usage or overall water consumption; it would simply take from irrigation use and give to Quivira National Wildlife Refuge. While curtailing irrigation is a subject of discussion in other parts of Kansas

and the United States to reduce water usage, in this case reducing irrigation is not reducing overall water consumption. Moreover, we are in the Great Bend Prairie portion of the High Plains Aquifer, which is a recharging aquifer that is not experiencing the same issues of water depletion like the Ogallala portion of the High Plains Aquifer. According to Kansas Geological Survey report *Status of the High Plains Aquifer in Kansas, Technical Series 22* published in 2018, the aquifer in Groundwater Management District #5, which is the area at issue here, is within 2% of being sustainable with current water use. Having said that, water conservation is an important topic and there are measures that both the Refuge and farm producers can take to accomplish that goal. If conservation measures are prescribed as a part of the remedy for the impairment to the Service, it should require that all parties – including Quivira National Wildlife Refuge – improve water management.

We ask you as the head of the US Fish and Wildlife Service to recognize the legitimate concerns of the people who live in proximity of the Refuge, understand that this is a prime example of the frustration many citizens have for the regulatory burden of government. We ask that you exercise your leadership to ensure that staff at all levels of the agency follow a balanced approach to managing wildlife and private property concerns, and that this is reflected in discussions with KDA-DWR. We believe that with an open discussion there can be a reasonable solution that makes sense for all parties involved, and we urge you become involved to ensure that solution accepted by US Fish and Wildlife Service.

Sincerely,



Jim Stanford
Stafford County Commissioner
District #1



Todd Wycoff
Stafford County Commissioner
District #2



Bryce Garner
Stafford County Commissioner
District #3



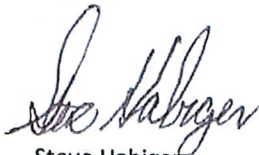
Mica Schnobelen
Edwards County Commissioner
District #1



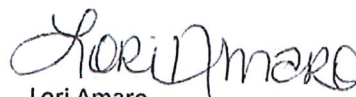
Billy Brokar
Edwards County Commissioner
District #2



LaVerne Wetzel
Edwards County Commissioner
District #3



Steve Habiger
Mayor
City of Kinsley



Lori Amaro
Superintendent of Schools
USD #247-Kinsley-Offerle



Ryan Russell
Executive Director
Stafford Co Economic Dev.



Heather Strate
Executive Director
Edwards County Economic Development



Shianne Hornbaker
Mayor
City of Lewis



Mike McDermeit
Superintendent of Schools
USD #502 Lewis



Don Hardin
Mayor
City of Stafford



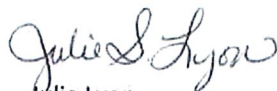
Ryan Christie
City Council President
City of St. John



Rob Murrow
Mayor
City of Macksville



Ken Grabast
Mayor
City of Hudson



Julie Lyon
Executive Director
Kiowa Co. Economic Development



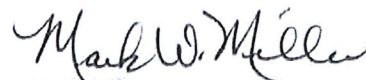
Andy Kimble
Mayor
City of Mullinville



Mark Clodfelter
Superintendent of Schools
USD #422 Kiowa County



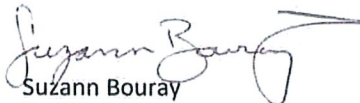
Matt Christensen
Mayor
City of Greensburg



Mark Miller
VP for Institutional Advancement
Barclay College (Haviland)



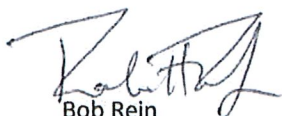
Derek Foote
President, Board of Education
USD #350 St John-Hudson



Suzann Bouray
Superintendent of Schools
USD #351 Macksville



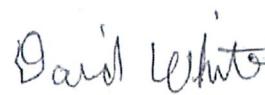
Corey Reese
Superintendent of Schools
USD #349 Stafford



Bob Rein
Chair
Pawnee County Board of Commissioners



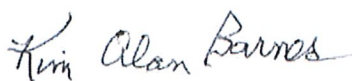
Alex Filbert
Executive Director
Pawnee County Economic Development



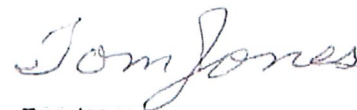
Dave White
Kiowa County Board of
Commissioners



Bryce Wachs
Superintendent of Schools
USD #495 Ft. Larned



Kim Barnes
President
Larned City Council



Tom Jones
Chair
Pratt County Commission



Tony Helfrich
Superintendent of Schools
USD #382 Pratt



Morgan Ballard
Superintendent of Schools
USD #438 Skyline

cc:

US Senator Jerry Moran

US Senator Roger Marshall

US Representative Ron Estes

US Representative Tracey Mann

KS Department of Agriculture Secretary Mike Beam

Kansas Governor Laura Kelly