

Walnut Basin High Priority Issue

Recreational Use of the Walnut River

January 2009

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Issue

Increasing public access to the state's lakes, rivers and streams, and recognizing the associated economic, social, and quality of life benefits to be derived from fishing, boating and other water-related recreational activities is an objective of the *Kansas Water Plan*. The Walnut River is not open for public access under Kansas law. However, the river and its tributaries do present numerous opportunities for recreation including boating, hunting, hiking, fishing, wildlife viewing, and camping. The entire extent of current opportunities and access areas is unknown and opportunities to consolidate areas with access have not been evaluated.

Description

The Kansas State Comprehensive Outdoor Recreation Plan (SCORP)⁽¹⁾ states that evaluation of recreation needs of the [Walnut basin](#) area indicates that there is an historic and current demand for additional water based recreation in the Walnut basin. These include needs for outdoor, water oriented, recreational activities such as swimming beaches, picnicking areas, camping areas, boating (including kayaking and canoeing), fishing, and water skiing. The report documents increasing perception by the public of the value of natural areas. Activities associated with these areas include hiking, horseback riding, recreational walking, birding and other wildlife viewing, and open space experiences. Recently there has been increased interest in canoeing/kayaking on navigable rivers in Kansas.

The FY 2005 *Kansas Water Plan* states that although the Walnut Basin has two major reservoirs on the river system that have recreation components ([El Dorado](#) and Winfield City), there is still a demand for more water-based recreation facilities. The Walnut River and its tributaries are not among the three rivers in the state considered available for public access and use. On tribu-



Walnut River near Arkansas City, Kansas

aries to El Dorado Reservoir, river/stream access does exist in public lands included in the flood control pool. The same is true for Grouse Creek, in the area of the flood control pool of Kaw Reservoir in Oklahoma.

A survey asking why people do not participate more in outdoor recreation, completed during development of the SCORP, found that "not enough time" or "not interested", ranked #1 and #2. Consistently ranking 3rd was the difficulty of gaining access to private areas. When coupled with not enough public facilities, the primary barrier to outdoor experiences that can be addressed by suppliers becomes clear: Inadequate access. The barrier is even more apparent where rivers are not even open to the public whether or not access points are available.⁽²⁾

Despite restricted access due to water laws of the state, canoeing and other float type activities have become increasingly popular in Kansas, with reported participation increasing by 80% in the last decade.⁽¹⁾ Public access is generally provided only on navigable rivers and the upper reaches of public reservoirs. In general the *Stream Access Program of the Kansas Department of Wildlife and Parks*⁽⁴⁾ (KDWP) is used to provide a systematic approach to implementing general access to navigable Kansas streams. The system is developed by identifying candidate sites, prioritizing their potentials, and scheduling development when funding is available. The Walnut River is not considered to be navigable so is not eligible for this program.

Existing Opportunities for Walnut River/Stream Access

The Walnut River and four of its tributaries are impounded to form El Dorado Reservoir in the northern part of the basin. In the flood control pool and the area within it managed for wildlife, the river and three of the tributaries have access for boating on them. Put-in and take-out for access to the Walnut River above El Dorado Reservoir are at the Chelsea Boat Ramp. The round trip distance from the access point is six miles. Cole Creek, Durechen Creek and Satchel Creek all have useable canoe access at their respective bridges on Highway 177. The Cole Creek access provides an eight mile round trip float. The Durechen Creek access point provides a round trip float of four miles. The Satchel Creek access provides a two mile round trip float.

Within the Kaw Reservoir Wildlife area there are four access points on Grouse Creek. From Silverdale to Traders Bend in Oklahoma, the northernmost access points provides a four and a half mile stretch of Grouse Creek that when combined with a float on the Arkansas River

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to Traders Bend in Oklahoma makes a total of 13.5 miles. Intermediate access points are available along the entire stretch. The Silverdale Boat Ramp south of Silverdale provides a float of four and a half miles to the confluence with the Arkansas River. The 2nd Street Bridge Access point provides a float of three miles to the confluence with the Arkansas River. The 3rd Street Bridge Boat Ramp includes two miles to the confluence with the Arkansas River. There is a take out at the Lower Grouse Creek boat ramp.

Depending on the flow conditions within both the river and the impounded water, canoeing/kayaking in these areas can vary from being much like on a still water reservoir with little flow, to high rushing water during high runoff conditions. The canoeing/kayaking experience sought by participants is usually on fast flowing water more typical of un-impounded conditions.⁽³⁾

Kansas Department of Wildlife and Parks Programs

KDWP has developed some innovative programs to enhance public access to private lands.

Walk-in Hunting Access Program⁽⁴⁾ The Walk-in Hunting Access (WIHA) program was established in 1995 in an effort to enhance the strong Kansas hunting heritage by providing hunting access to private property. The program has grown to one of the most successful access programs in the country. By 2004, over one million acres in Kansas were enrolled in the program providing numerous opportunities for sportsmen to pursue their favorite game at no additional charge. Although the majority of the acreage provides good to excellent upland game bird hunting, some areas provide opportunities for deer, waterfowl and squirrel hunting as well.

Landowners receive a modest payment in exchange for allowing public hunting access. Payments vary by the amount of acres enrolled and length of the contract period. Contract dates can be established from September 1 or November 1 through January 31 of each year. In addition, other lands are leased for spring turkey hunting only (April 1- May 31). Land enrolled can be in the Conservation Reserve Program (CRP) native rangeland, wheat or milo stubble and riparian or wetland areas. The area is posted with signs designating it as a WIHA, regularly patrolled, and safety zones are clearly marked. Liability is waived from private individuals who lease land to the state for recreational purposes. State law provides immunity from damages or injuries resulting from ordinary negligence. Maps showing areas enrolled in the

WIHA can be found at the KDWP website listed in the resources.

Fishing Impoundments and Stream Habitats Program.⁽⁵⁾

The Fishing Impoundments and Stream Habitats (F.I.S.H.) program is patterned after the WIHA Program with a goal of increasing public fishing opportunities in Kansas. The F.I.S.H. Program was first introduced to Kansas anglers and landowners in 1998. KDWP leases private waters from landowners for public fishing. Landowners participating in F.I.S.H. receive payments, which vary according to the number of water acres enrolled in impoundments or the length and quality of the streams. Annual payments are based on \$40 per acre for impoundments and from \$500 - \$1000 per stream mile. Waters need to be available for public access from March 1 to October 31.



El Dorado Reservoir

F.I.S.H. provides anglers with a place to fish while leaving the land in private ownership, contributing to the strengthening of rural-urban ties. KDWP officials periodically patrol F.I.S.H. areas. Violators are ticketed or arrested for vandalism, littering or failing to comply with fishing regulations. Access is limited to foot traffic, except on roads designated by the landowner in the case of very large tracts of land.

Each year, the KDWP publishes a fishing atlas outlining each body of water enrolled in the program and anglers are asked not to contact landowners. The atlas also contains information about the species of fish present for each water type. This program is made possible by the Federal Aid in Sport Fish Restoration Act, a federal aid project funded by purchase of fishing equipment. Landowners have the option to withdraw from the program at any time. They will be paid a prorated portion of the agreed payment and provided with signs denoting that

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the water has been removed from the program.

Regulations related to the F.I.S.H. Program area listed in the Resources section of this document.

Liability is a valid concern. However, state law provides that private individuals who lease their land to the state for recreational purposes are immune from ordinary negligence.

Opportunities with the Kansas Department of Transportation

The Kansas Department of Transportation (KDOT) allows river access at some areas on which they own easements and rights of way for bridges and other river/stream structures. While the land upstream and downstream of these public access points is privately owned, if landowner permission could be secured between the points, reasonably large stretches of the river for boating could be developed.

Increasing Access through Private Lands

The Walnut River and tributaries are not open to public use by state law. Landowner permission on both sides of the stream is required for recreational use to be on the water. When canoeing is the preferred activity, canoeists/kayakers like to have reasonable lengths of stream to float to compensate for the effort of getting the boat in the water at sometimes difficult access points. Obtaining

permission on stretches long enough to provide for a reasonable length float trip is difficult, and access is not always readily available even if landowner permission is granted. Many landowners whose land borders the streams have concerns about allowing access due to potential noise, trash, and general degradation of the area. A suggestion has been made that a licensing program be developed for groups or individuals to be authorized to lead groups of people on float trips on private lands. A licensing program would ensure responsibility and include acceptable standards for conduct on public and private lands. Restrictions similar to those related to the F.I.S.H. Program could be part of the license.

Table 1 summarizes publicly accessible water based recreation in the Walnut River basin. Clearly most access is associated with community and state fishing lakes with little available on flowing water in the Walnut basin.

**Table 1
Water Based Recreation Opportunities by Basin and Category
Kansas, December 1999⁽¹⁾**

River Basin	Category	Name of Facility	County	Water Surface Acres	Hunting Acres	Number of Facilities with Selected Activities						
						Boat	Camp	Fish	Hiking Trails	Hunt	Picnic	Swim
WAL	Community Lake	Lake George	Butler	4.0	0		yes	yes	yes		yes	
WAL	Community Lake	Sixth Street Pond	Cowley			yes		yes	yes		yes	
WAL	Community Lake	Winfield City Lake	Cowley	1,130.0	800	yes	yes	yes	yes	yes	yes	yes
WAL	Community Lake	Winfield Island Park Lake	Cowley	7.0			yes	yes			yes	
WAL	Large Reservoir	El Dorado	Butler	8,000.0	4,100	yes	yes	yes	yes	yes	yes	yes
WAL	River Access	Arkansas River at Arkansas City	Cowley					yes				
WAL	River Access	Arkansas River - Kaw Wildlife Area	Cowley				yes	yes				
WAL	River Access	Grouse Creek - upper end of Kaw River	Cowley			yes		yes				
WAL	River Access	Walnut River - upper end of El Dorado Reservoir	Butler					yes				
WAL	River Access	Walnut River at Winfield	Cowley					yes				
WAL	State Fishing Lake	Butler	Butler	124.0	351	yes	yes	yes		yes	yes	
WAL	State Fishing Lake	Cowley	Cowley	84.0		yes	yes	yes			yes	
WAL	State Fishing Lake	Kaw WA	Cowley	14.0		yes		yes				

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Recommended Actions

1. Inventory existing access points along the Walnut River and tributaries outside of authorized public use areas that have access provided by KDOT, WIHA or F.I.S.H. programs. Determine the feasibility of developing additional access points that could be linked together to provide reasonably long float experiences.
 2. Encourage the use of conservation easements by private landowners with stream frontage that would be willing to allow public recreation in target areas to link with access points identified above. Conservation easements on riparian lands have multiple benefits.
 3. Continue to promote participation in the WIHA Program and target areas containing stream segments with potential access development.
 4. Continue to promote the F.I.S.H. program especially on contiguous tracts of land with potential for access development.
 5. Explore the possibility of establishing a stream access program with the KDWP that would provide payment to private landowners who allow boaters to float through their properties.
 6. Explore the possibility of a sponsored licensed tour/float guide to raise confidence in landowners concerned with nuisance and liability issues. The license could have similar restrictions as the F.I.S.H. program to ensure responsible use of the streams.
4. Kansas Department of Wildlife and Parks. 2008. <http://www.kdwp.state.ks.us/news/Other-Services/Private-Landowner-Assistance/Wildlife/Walk-in-Hunting>.
 5. Kansas Department of Wildlife and Parks. 2008. <http://www.kdwp.state.ks.us/news/Fishing/Special-Fishing-Programs-for-You/Fishing-Impoundments-and-Stream-Habitats-F.I.S.H.-Program>.
 6. Kansas Department of Wildlife and Parks Regulations for the F.I.S.H. Program. K.A.R. 115-8-1; 115-8-4; 115-8-5; 115-8-9; 115-8-11; 115-8-12; 115-8-14; 115-8-15; 115-8-18; 115-8-19; 115-8-20.

Resources

1. Kansas Department of Wildlife and Parks. 2008. "State Comprehensive Outdoor Recreation Report". <http://www.oznet.ksu.edu/Stevenson/SCORP.pdf>
2. Wichita State University. 2001. "Water Recreation Needs Assessment."
3. Dave Murphy. 2008. Paddling Kansas. Trails Books.