



**Kansas Land Trust**

# Stewardship Notes

## KLT preserves forest in Johnson County

Kansas Land Trust has received a conservation easement on 58 acres of wooded land near an upscale residential development in Johnson County.

The easement was donated by Clay Blair, the developer of Wilderness Valley at 163rd Terrace and Nall.

"The property is a very attractive piece of ground that was a natural for a conservation easement," Blair said. "It provides a lot of open space, green space and trees. It was a tremendous amenity for the concept we were developing - the wilderness concept for a residential development."

Wilderness Valley features luxury homes that range in price from \$400,000 to over \$1 million. The development includes 400 acres of woods, prairies, streams, ponds and trails. It is adjacent to the Wilderness Science Center, a 30-acre outdoor laboratory for environmental science education. The land for the Science Center was donated by the Blair family to the Blue Valley School District.

The 58-acre piece on which KLT holds the easement is bordered by the Blue River and is adjacent to land owned by Kenny Baum that is already protected by a conservation easement held by The Nature Conservancy.

The KLT easement land is currently used for horseback riding. The easement deed allows continued use of the trails and permits the construction of paved trails in the future. But other development is prohibited.

"It's really a nice piece of forest," said KLT President and biologist Dr. Kelly Kindscher. "It's oak-hickory forest, facing north, overlooking the Blue River with large oak trees and rock outcrops and scattered wildflowers."

"It's unusual to have that large a piece of forest remaining at the south edge of Olathe."

The riparian area along the river contains some exceptionally large bur oaks that may be 150 years old. One of the most interesting features of the property is a 15 to 20-foot limestone bluff near the top of a hill.

The Blair property is KLT's first conservation easement that a developer planned to provide open space for a housing development.

"We are particularly excited to receive this easement; it is our poster child for an urban easement," said KLT Executive Director RoxAnne Miller. "Located in the Kansas City Metro Area, where there is a lot of development pressure, it serves as a great example for developers - How to take advantage of significant tax benefits by donating a conservation easement in conjunction with a project. It will provide quality green-space near a high-



*Tropical-looking paw-paw trees flourish in the riparian forest along the Blue River in Olathe on the land Clay Blair has put into a conservation easement.*

end residential development and protect significant conservation values."

Blair agreed that tax benefits are also a consideration for developers who might be interested in putting a conservation easement on land.

"There are tax advantages," he said. "That serves as an added incentive to make a conservation easement."

But for a developer, providing open space - and guaranteeing it forever with a conservation easement - can also be a great marketing tool.

"I think any time you can conserve land and make parkland or open space available to the public, it's good business policy," Blair said. "I would encourage people to consider it, if it fits with their situation."

Blair said the experience of donating the easement, which can be protracted and legally complex, was handled well by KLT.

"The people were very professional, very knowledgeable and responsive," he said.

"KLT applauds Clay Blair's determination in working hard to bring this project to fruition," Miller said. For more on Wilderness Valley, visit [www.TheWildernessValley.com](http://www.TheWildernessValley.com). For information on conservation easements visit, [www.KLT.org](http://www.KLT.org).

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Mission Statement: "The Kansas Land Trust is a nonprofit organization that protects and preserves lands of ecological, scenic, historic, agricultural, or recreational significance in Kansas." As a land trust, the organization uses a variety of long-term land protection mechanisms but primarily accepts conservation easements from willing landowners. Conservation easements are legal agreements by which landowners voluntarily restrict the type and amount of use permitted on their property. The Kansas Land Trust (KLT) is tax-exempt as described in Section 501 (c)(3) of the Internal Revenue Code. Donations of easements or land to KLT for conservation purposes may have potential tax benefits for donors. KLT is funded by individual contributors, private foundations, corporations, and government agencies.

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# OUTLOOK

by RoxAnne Miller  
KLT Executive Director



## ***America's land trusts convene to share best practices***

It is great to report that private land conservation is alive and well in our country! KLT Board member Sandra Shaw, volunteer Doug Witt and I attended the Land Trust Rally in Providence, Rhode Island, October 28 – 31. More than 2,100 conservation leaders from many of the 1,500 land trusts across the nation met to share our experience and best conservation practices. Rand Wentworth, the Land Trust Alliance President, reported that new land trusts are forming at a rate of two per week. Collectively, U.S. land trusts have preserved more acres of land than is in all of our National Parks put together. The message: America's landowners choose to voluntarily protect the land they love! I am honored to have the opportunity to represent the Kansas Land Trust at such an important gathering.

## ***State funding proposed for conservation easements***

KLT and other Kansas land trusts have been asked to assist the Kansas Department of Wildlife and Parks in designing legislation to be introduced to the 2005 Kansas Legislature. The proposed legislation could fund the purchase of conservation easements on important Kansas lands from willing landowners. Stay tuned for more information in the coming months.

## ***KLT can visit your hometown***

I would like to come to your town to talk about the Kansas Land Trust and conservation opportunities. I am available to speak to community organizations, planning boards, etc. Please e-mail or call KLT to schedule a presentation designed to fit your needs. My 2005 speaking calendar is filling up quickly, so don't delay.

## **KLT 2005 Priorities depend on your membership**

KLT's annual fundraising drive is underway. This year, we need to raise money for two separate funds: First, we need your general membership contributions to continue KLT's work. Your membership donations support the operating budget, which pays for our staff and interns, office space, educational materials, this newsletter, and other general expenses. Please donate as generously as you can so that we can move into 2005 with confidence. Second, we continue to raise money for our Farm and Ranchland Preservation Program Flint Hills easement in Riley County. More than \$25,000 has already been donated by our generous KLT supporters, leaving an additional \$50,000 to raise in

order to win \$150,000 in federal funds. Completing this easement is a high priority for several reasons. Your contribution will ensure a beautiful, 200-acre piece of Flint Hills will be preserved forever. Our success with this project also will smooth the way for Kansas to obtain more federal funding in the future for preserving our agricultural lands. Those who contribute at least \$100 to the Flint Hills project will receive free a copy of the beautiful art book *Homage to the Flint Hills*. See insert for details.

Please, help us continue the important work of preserving Kansas lands. Send your contribution to the KLT office, at our address noted at left. And thank you!

## In Memory

Kansas Land Trust member Roger Neal Seitz of Manhattan passed away on October 2, 2004. Roger loved and wanted to help preserve prairies, wildflowers, wetlands and all natural landscapes. His family asked that memorial gifts be made to the Kansas Land Trust. Roger's contribution to conservation in Kansas lives on.

## KLТ columnist wins Phoenix Award

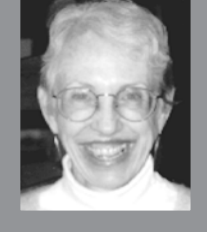
Elizabeth Schultz, whose poetic essays about travels through Kansas grace this page in every issue, has been honored with the prestigious Phoenix Award for literary arts by the Lawrence Arts Commission. Beth moved to Kansas in 1967 to teach English at the University of Kansas. She is internationally renowned as a scholar of Herman Melville, and her writings have been published extensively. She has been an advocate for literacy and how it can promote equal opportunities for women, minorities and the economically disadvantaged. She also has been an advocate and mentor for many area writers and artists.

Congratulations, Beth!

## SENSES OF PLACE

BIRD RUNNER WILDLIFE REFUGE, GEARY COUNTY, EARLY OCTOBER

by Elizabeth Schultz



Visiting the Bird Runner Wildlife Refuge off McDowell Creek Road in Geary County, I am met by Margy Stewart, who, with her husband, Ron Young, owns the 220-acre swath of untilled, native grasslands, varied woods, bottomland, several ponds, a dry creek, and a running creek which comprise the refuge. She hands me a glass of water. Right off she tells me some things: she and Ron are committed to sustaining this land as it is; they believe in the diversity of life here - the connections between plants and animals, nonhuman and human; they have willed the land to the Kansas Land Trust; they are fighting against the development of wind turbines along the horizon to the west. Margy, then, tells me the lay of the land, pointing as she speaks to the cardinal directions, and then she lets me go, free to wander.

Passing walls of limestone cut thick and clean, inscribed with 1894 and 1901 by a long-ago farmer for his chicken house and root cellar, I start off up a turning road of sharp bits of blue, gray, and white flint rock. It was once, Margy explained, part of the only thoroughfare from Manhattan to the McDowell Creek area. Sentries along the road are enormous bur oaks and chinquapin, their branches twisting and clasping overhead. Sunlight filters down, paving my way. But the only traffic is the grasshoppers, clacking unexpectedly in my face, and the occasional squirrel, skittering across my path with an acorn stashed between his jaws. At the top of a rise, the road opens into the prairie. Coming upon it from the narrow, wooded road, I feel as if I am poured from a bottle - I gush, evolving into space and light with the 180 acres of grasslands spreading suddenly out before me, and the light wind running them toward the far horizon.

Fall grasses have the sheen of healthy fur, light brown and gold, tinged russet. The musculature of the great geological beast beneath is shown in their shades and swellings. Dark variations rumple their sheen-dried clusters of stiff goldenrod and ironweed; tall stalks of gayfeather and mullein; wispy field pussytoes and silk spinning from milkweed pods. In random patches across the prairie, the sumac burns, each leaf flame-shaped and scarlet. The sky seems the sea, the prairie its endless coastline. I am appropriately dwarfed. The ribs of an abandoned stock shoot made of osage orange stand out above the grass like those of a shipwreck. The clouds appear like white-capped waves, with

spindrift gusting.

In the middle of the Bird Runner prairie, X marks a spot. It is an X made of boards, a raft anchored in the middle of these grasslands. It marks a spot where I pause to let the prairie grow up to me, where as I turn, the prairie and its circling circumference wheel around me, where I can imagine myself with dusk shifting into darkness, and the constellations, always there, revealing themselves, slowly at first, and then all in a flash. A redtail, hunting high above this raft, seems about to be swept away. I leave this star-gazing platform, carefully considering my path and the insects I might crush if I allow my gaze to drift too long away from my grassy coast - here at my feet is a wolf spider on the prowl, a horn beetle out for a saunter, and so many sassy crickets. They are my immediate intimates, stars close to hand.

Walking over the brow of the prairie and down a wooded bank, I take a path along the dry creek bed, a trough lined with smooth grey slabs. Such smoothness is testimony to centuries of serving as a waterway. Along the bank, hackberry, dogwood, and redbud are woven with wild gooseberry, grape vines, and bristly greenbrier, with the sounds of sparrows chattering and doves cooing substituting for the sounds of rushing water. I, too, am woven back into this woodlands' density. Along my path, the history of species unfolds: I spot feathers - blackbird and owl - and a deer's shoulder blade. At a juncture of toppled trees and boulders, the dry creek bed meets McDowell Creek, with its jade-green living water, its islands of turquoise algae.

I walk above it, surrounded by trees and shrubs which are letting their green go. Redbuds and locust are yellowing, while gooseberry, trumpet vines, and poison ivy smolder red. All around me, I notice the residue of fire-blackened branches, charred stumps, ashes ground into the soil. I remember that a prairie fire ran rampant through the woods over a year ago, incinerating Margy and Ron's home. My path leads away from McDowell Creek, continuing among trees to a small cabin, newly built with windows all around and a skylight overhead, situated on the boundary where woods and prairie merge. Thoreau would do well here, as would anyone who seeks to contemplate simultaneously both the sweep of possibilities and the intricacy of relationships.

# Natural places identified in KC area

By Kelly Kindscher  
Kansas Biological Survey  
KLT President

The Kansas Biological Survey completed inventory work this past summer in five northeast Kansas counties to find remaining natural areas. This project, funded by Kansas Department of Wildlife and Parks through a State Wildlife Grant, found a few scattered gems of native prairies and forest in Johnson, Wyandotte and Leavenworth counties and more numerous sites beyond suburbanization in Miami and Douglas counties. We also



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found new locations of endangered species such as Mead's milkweed (*Asclepias meadii*).

The purpose of the inventory was to provide information so policymakers can balance the need for development of natural resources with the need to preserve remaining natural areas in the rapidly developing Kansas City region. We also wanted to let landowners know about the resources that they have on their land. We plan to use this data to work with city and county planning offices to use in their planning efforts. We hope that some of these landowners would be amenable to voluntary

*continued below*

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## Natural areas...

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protection of their land with a conservation easement. In those cases, private property owners could be compensated for harboring these gems while still being able to use their private property. Another objective of this study was to provide management recommendations to landowners interested in preserving and restoring natural areas on their property.

High-quality natural areas are those that closely approximate the natural areas (native tallgrass prairie and oak-hickory forest) that existed prior to European settlement. Major benefits of these natural areas include: buffering the effects of pollution, protecting water quality, preventing soil erosion, improving land values, and providing opportunities for outdoor recreation. They are reservoirs of biological diversity and sanctuaries for sensitive and declining species.

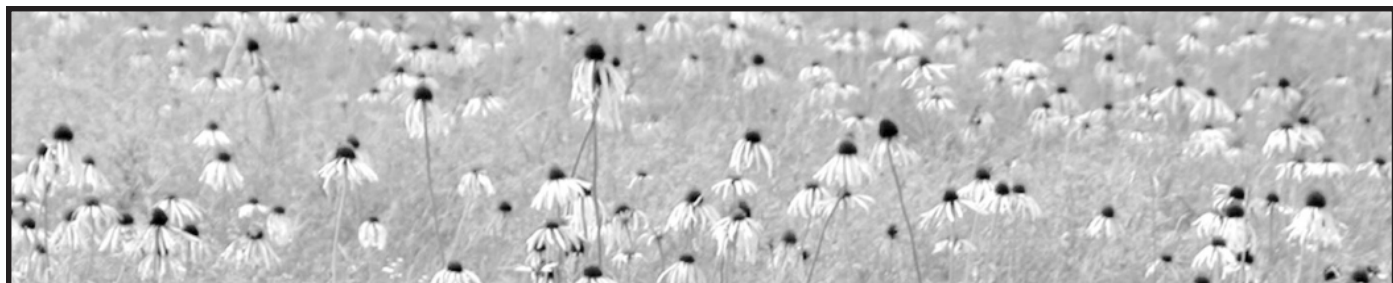
The original vegetation of this part of Kansas is documented in the public land surveys of the 1850s when prairie was estimated to cover 84% of Johnson County, 75% of Wyandotte

County, 94% of Douglas County, and 90% of Leavenworth and Miami Counties, (Kansas State Board of Agriculture 1877).

Our data is preliminary, but so far in these counties we have identified:

- 4 small areas of native prairie (2 sites) and forest in Johnson County;
- 2 forested sites in Wyandotte County;
- 9 native prairies and 2 forests in Leavenworth County;
- 77 native prairies and 2 forests in Miami County;
- 140 native prairies and 9 forests in Douglas County;
- 60 locations in all these counties with the rare Mead's milkweed

We believe that our study of identifying and inventorying high-quality native prairies, forests, and wetlands can be a useful tool for the conservation of the remaining biological gems. As landownership changes, some of these areas may become parks or public places. Most will likely remain as private property, and we see great opportunity for organizations such as the Kansas Land Trust to work on conservation easement programs to both provide conservation of these areas, while working with the landowners to provide them benefits and help in owning and managing these important areas.



*A profusion of coneflower (*Echinacea angustifolia*) blankets a native prairie hay meadow in Miami County.*