



WESTERN
CATTLE
TRAIL
ASSOCIATION



Testimony regarding SB 370

Mr. Chairman, Ranking Member Faust-Goudeau, and members of the Committee, thank you for the opportunity to provide comments on SB 370. We want to commend the sponsors of this legislation for their intent to protect private property rights but we must oppose this legislation.

I am Dennis Katzenmeier, a rancher at Ellsworth and president of the International Chisholm Trail Association. The primary mission of the International Chisholm Trail Association is to identify, preserve, develop, and promote the old Chisholm Trail for education and heritage tourism purposes.

We are partnering with the Western Cattle Trail Association based in Dodge City on two goals: 1. to designate both the Chisholm and Western Trails as national historic trails, and 2. to protect private property rights of farmers, ranchers, and other landowners in the trail areas. That is why we helped develop federal legislation that would achieve such designation while protecting private property rights. SB 370 would add another layer of complication and delay to this process.

We believe strongly in individual private property rights. That is why it should be the individual – not the state – who should have the ability to decide whether or not to participate in historic trail-related activities.

There are three types of national trails considered by Congress: Scenic, recreational, and historic. Unlike scenic and recreational trails (which we are not advocating for), the purpose of **historic trails** is to recognize the authentic history which happened in a particular location. Such history should be based on research and historical fact.

Historical facts are different from political decisions. We cannot choose our history – but we can choose how we respond to it. For example: The State of Kansas was founded primarily by free-state settlers who opposed slavery. That is historical fact. As Kansans, we can choose to acknowledge or celebrate that fact, or we can choose not to talk about it.

We believe the same standard should apply to national historic trails at the individual landowner level. Individual landowners should have the choice of participating in historic trail activities or not. The federal designation legislation which we support would ensure that any landowner participation is voluntary. SB 370 has the potential to disenfranchise those who wish to honor such history.

It is historical fact that the Chisholm and Western cattle trails existed in Kansas, that their routes can be generally identified, and that they had a nationally-significant impact on the United States. Historic trail designation, as recommended by the Kansas Historical Society and others after many years of study, would provide national recognition of the significance of these trails in Kansas. Requiring an additional step of state approval would be inconsistent with federal law and with the practice in other states.

Committee members may be interested to know that nationally-designated historic trails have existed in Kansas for a cumulative total of 193 years. The Oregon Trail and Lewis & Clark Trail were designated in 1978. The Santa Fe Trail was designated in 1987, as signed into law by President Ronald Reagan, and has more miles in Kansas than any other state. The California Trail and Pony Express Trail were designated in 1992. From nearly two centuries worth of time, how many Kansas constituent complaints about these historic trails have you received as legislators?

In October 2020, our association conducted a survey of the counties along the previously-designated Santa Fe Trail so as to assess the impact of national designation. The survey generated a 66 percent response rate. 21.43 percent of respondents found that such designation had a positive impact on their local economy and the balance reported no impact. Zero negative impacts were reported. Based on this survey, the experience with national historic trails in Kansas shows only positive results.

Our intention is that the benefits of additional national recognition would benefit the rural and urban communities along the trails and strengthen the economy of the state. Those communities along the trails include Abilene, Newton, Wichita, Caldwell, Kingman, Ellsworth, Dodge City, Hays, Ellis, and more.

We have been engaged in the process of considering national designation for many years. The original federal legislation ordering a feasibility study of designation for the cattle trails was enacted in 2009. After years of extensive study, the Trump Administration Department of the Interior reported in 2019 that the trails meet the criteria for designation. Legislation was introduced (with cosponsorship of 100 percent of the Kansas Congressional delegation) in 2021 and 2023. After so many years invested in this process and with legislation already pending, it would be unfortunate and unfair to add an additional requirement to designate the cattle trails.

The currently-designated historic trails were trails of trade, immigration, and communication. Cattle trails have never been designated. It is high time to honor the American cowboy by designating these cattle trails. As the trails study noted: “The cattle drives had an enormous impact on popular culture... Writers and other observers quickly made the cowboy a uniquely American icon: tough, individualistic, hard-working and self-sufficient.... This image, in time, spread out beyond the Great Plains to the remainder of the United States and to foreign lands as well.”

We respectfully request that the committee not approve SB 370 and continue to honor our authentic and globally-recognized western history in Kansas.