

# JAN GARTON AND THE CAMPAIGN TO SAVE CHEYENNE BOTTOMS

*“Now don’t you ladies worry your pretty little heads. There’s \$2,000 in our budget to take care of the Bottoms this summer.” With those words we were ushered from the office of an indifferent agent of the Kansas Fish and Game Commission (now Kansas Department of Wildlife Parks, and Tourism). Little did he know those were fighting words!*

Article by **Seliesa Pembleton**

Photos by **Ed Pembleton**

**A**s new officers of the Northern Flint Hills Audubon Chapter in Manhattan, Jan Garton and I had travelled to Pratt seeking a copy of a Cheyenne Bottoms restoration plan prepared years before by a former Bottoms manager. We were dismissively told, *“It’s around here somewhere.”* Managing to keep her cool, Jan informed the agent he needed to find it because we would be back! On the drive home from that first infuriating meeting we had time to fume a bit – and time to begin formulating an attention-getting plan.

## Ripples in the Water: Getting Started

In June of 1983, the Northern Flint Hills Chapter of National Audubon in Manhattan, KS was at a low ebb of activity. Only twelve members attended the meeting to elect new officers and there was only a slate of three: Sil Pembleton, president; Monty Hinton, vice-president, and Di Ann Roberts, treasurer. John Zimmerman was the KSU campus sponsor for the chapter.

Jan Garton came forward to volunteer as conservation committee chair, and with some urging, also agreed to be chapter secretary. We set about finding other community leaders to fill the slate of officers and pull the organization out of its lethargy. We recognized the need for a compelling cause to rally around and Jan immediately identified Cheyenne Bottoms as the issue that inspired her to volunteer. By the end of the first year, chapter membership had almost doubled in part due to “ownership” in this positive environmental cause.

## The Dry Facts: An Endangered Wetland

Cheyenne Bottoms, a natural depression of some 64 square miles just north of the Arkansas River near Great Bend, Kansas, is the most important interior wetland in the United States, providing critical habitat for diverse species including the endangered Whooping Crane and threatened Least Tern. In 1983, the wetland was

endangered, too. Water rights for the Bottoms were being ignored; stretches of the Arkansas River were dry; and flows from Walnut Creek, the immediate water source, were diminished.

## Like a Watershed: Gathering Information & Seeking Advice

Our first actions were to seek advice from long-time Audubon members and others who shared concern about the Bottoms. Many expressed sentiments that *“Nothing can be done to save the Bottoms, we’ve tried and gotten nowhere.”* Not what we wanted to hear. Despite all of the negative responses, as fledgling activists perhaps we were too naive to know we couldn’t save the Bottoms. We had a vision that working together we could all make a difference. We were taking a stand! A group of five Auduboners travelled to the Bottoms to learn about the problems.

Stan Wood, a former manager at the wetlands, had previously drafted a restoration plan on file at Pratt. So the next step was an appointment with the





Cheyenne Bottoms, September 15, 2009. Water birds include Franklin's Gulls, American Egrets, and White Pelicans.

Fish and Game Department to obtain a copy. The agency employee we met with was dismissive. Barely rising from the paperwork on his desk, his response was, *"The plan is around here somewhere. Don't worry your pretty little heads about Cheyenne Bottoms. We have \$2,000 budgeted to take care of it."* Maintaining her cool, Jan told him we would return to get the plan.

### **Stirring the Waters: Raising Awareness**

Through the Kansas Audubon Council and the network of chapter newsletters, Jan requested that members across the state write letters to the Kansas Fish and Game Commission expressing concern and the need for action because of the lack of adequate water in the wetlands. Next, Jan was off to Topeka to meet with Representative Ron Fox, Vice-Chairman of the Kansas House of Representatives Energy and Natural Resources Committee, who immediately voiced his support for our project.

In the meantime, unbeknownst to us, Audubon members from across the state had dutifully responded to our request and written their letters of concern to the Kansas Fish and Game Commission. We received a call from Pratt inviting us to

come down for a meeting. When we arrived, we barely concealed our surprise as we were ushered into a conference room to be greeted by the Director and a roomful of his top administrators. They were astounded by the number of letters they had received and were very concerned, wanting to know, *"What have you been telling people? We have been getting letters from all over the state!"* We had their attention.

Twelve letters – that's all it took to rile the department. We had the attention of the agency, but not its support. Despite our assurances that we intended to raise additional funds for the agency, their employees' feared that a public outcry on behalf of the Bottoms would force a shift in the department's budget priorities with no new money for an additional project.

Luckily, one of the Audubon letter-writers happened to be a woman of influence who called her son, State Senator Joseph Norvell from Hays, to explain how important those wetlands were – and to tell him to do something about it! Now we had a champion in both the Kansas State Senate and Kansas House of Representatives. But what could be done to save Cheyenne Bottoms?

### **Pooling Resources: Building a Statewide Coalition**

The next step was to build a coalition of stakeholders with an interest in the health of the wetlands and a concern about the lack of water in the region. Hunters, birders, anglers, local businesses, scientists, garden clubs, school groups were all potential allies. Many of these groups had never communicated – and some were downright suspicious of each other – but all agreed that the Bottoms was worth saving!

One of Jan's goals was to establish a Cheyenne Bottoms Task Force with representatives from the following organizations: Kansas Audubon Council, Kansas Wildlife Federation, Kansas Chapter of the Sierra Club, Ducks Unlimited Council, the American Fisheries Society, the Kansas Ornithological Society, Kansas Rural Center, Kansas Natural Resource Council, and the Kansas chapter of The Wildlife Society.

The objectives of this group were two-fold:

- Achieve state-wide awareness of the critical situation at Cheyenne Bottoms, home to diverse species and vital to migrating waterfowl and shorebirds; and
- Develop a proposal for a feasibility study identifying problems and





L to R: Representative Ron Fox, Vice-Chair House Energy and Natural Resources Committee; Senator Joe Norvell; Jan Garton; and Mike Hayden, Speaker of the House.

possible restoration options, and to seek funding for this study from the state legislature during the 1984 and 1985 legislative sessions.

The Kansas legislature meets annually, although bills that don't clear in the odd years are carried over to the following year. The elections take place in even-numbered years, so those who served in 1985 would have been elected in November 1984.

After Audubon meetings there were many late-night brainstorming sessions over cups of hot chocolate in a local restaurant in Manhattan. Notes on napkins held the design for a *Save Cheyenne Bottoms – Great Birding in Great Bend* bumper sticker. The Great Bend Chamber of Commerce liked the idea, paid for production of a high-quality product and became a strong ally.

Other tactics for raising public and legislative awareness statewide included: newsletters, posters, pamphlets, press releases, letters to the editor, establishment of a speakers' bureau and a prepared slide presentation, contacts with outdoor writers, resolutions, booths at public events, T-shirts, mugs and special events.

To emphasize the importance of water to the Cheyenne Bottoms wetland complex, members of the Kansas Chapter of The Wildlife Society organized an avid relay team of runners to carry water to the Capitol in Topeka. Alternately running distances of a mile to several miles at a

time, members Randy Rodgers, Bob Culbertson, Joe Kramer, Jim Hays, Bunny Watkins, Bruce Zmrzla, Mike Watkins and Joe Schaefer carried a PVC baton filled with water from the Bottoms. They used Steve Sorensen's orange van as their trail vehicle and to carry their precious liquid cargo. When they arrived in Topeka after a weekend of running, members provided Senators with a porcelain jug and Representatives with a beer bottle specially labeled Bottoms Up! Governor Carlin received both containers.

As Jan said, *"Best of all, lots and lots of just plain folks said over and over again that Cheyenne Bottoms had been a part of their childhood, an experience in their coming of age. They didn't want to see it die. Hundreds, perhaps thousands of people spoke out."* The ripples became waves of public action.

### Making Waves: Preparing a Legislative Initiative

The mission of the Cheyenne Bottoms Task Force was daunting:

- Collaborate with state agencies to prepare and coordinate a feasibility study proposal for restoration;
- Prepare legislation for the 1985 session and work for passage of a funding bill;
- Coordinate with the private consulting firm assisting with this process;

- Support recommendations for restoration, and work for passage of legislation; and
- Expand public awareness and concern for values associated with wildlife and natural resources.

The Kansas Audubon Council and the Kansas Wildlife Federation joined forces to co-sponsor a *Saving Cheyenne Bottoms Conference* on September 22, 1984, held in Great Bend. Conference participants learned in detail the problems confronting the Bottoms and possible alternatives to improve the situation.

The Great Bend Chamber of Commerce handled conference registration and welcomed the group. Jan Garton presented the slide show, "Cheyenne Bottoms: Endangered Wetland" and Jean Schulenberg of Emporia voiced the peril of the endangered Least Tern. John Campbell, Kansas Assistant Attorney General discussed Colorado's impact on the Arkansas River. Tom McClain, Kansas Geological Survey, highlighted the water supply problems for Cheyenne Bottoms. Clark Duffy, from the Kansas Water Office, illustrated how the State Water Plan protects wetlands and wildlife resources. Senator Joe Norvell and Representative Ron Fox provided insight to the legislature's role in saving the Bottoms. And Kansas Fish and Game officials discussed current situations and possible solutions. An afternoon caucus to coordinate goals and activities of interested groups was conducted by Mari Peterson, director of the Kansas Natural



Jan Garton being interviewed by Dale Goter, reporter, following the distribution of the "Save the Bottoms" seat cushions.

Resources Council, followed by a tour of the wetlands and water-control structures. The banquet speaker, Len Greenwalt, former director of the U.S. Fish and Wildlife Service and then Vice-President of the National Wildlife Federation, eloquently explained why Cheyenne Bottoms is of national significance.

## The Bottom Line: Making a Big Splash

But an endangered wetland was not a memorable or important issue in the state legislature. Despite the posters, brochures and T-shirts, all designed by Jan, we needed an effective hook to capture attention, especially of the Kansas Legislature. More late night hot-chocolate sessions between Jan, Ed Pembleton Audubon Regional Representative, and me, with notes on napkins and the idea of a *Save the Bottoms* stadium cushion was hatched. Operating on a shoestring budget from the Flint Hills Audubon chapter treasury, Jan found orange fabric for sale cheap (cloth rejected by the Denver Broncos) and designed a wetland logo for the pillow. With humor, passion and determination Jan Garton urged citizens to visit, write or call their legislators about the importance of the Cheyenne Bottoms wetlands. And with these words, she made the statewide offer for folks to sponsor a seat cushion for their senator or representative.

### ***“IS YOUR LEGISLATOR A SITTING DUCK?”***

*Sponsor a cushion, so while the legislators’ “bottoms” are resting comfortably, the representatives may be encouraged to think favorably about saving our “Bottoms!”*

A press conference was scheduled in Topeka on Feb. 12, 1985, and with TV cameras rolling, Jan delivered the line with a coy grin, “*If we save your bottoms, will you please save ours?*” This unique idea caught the attention of the legislators, who made sure they were in their offices to receive their hand-delivered seat cushions, which came with background information and the names of the local



Members of the Kansas Audubon Council urge Governor Carlin to support efforts to restore Cheyenne Bottoms. L to R: Paul Watson, KC; Billie Farmer, Salina; Jean Spinazola, Lawrence; Marge Streckfus, Salina; Joyce Wolf, Lawrence; Dan Larson, Topeka; Jan Garton, Manhattan; Ruth Welti, KC; Seliesa Pembleton, Manhattan.

constituents who had sponsored their cushions. No longer could a Senator or Representative say they were not familiar with the issue.

## Liquid Assets: Receiving Funding for a Feasibility Study

In one of its final actions of the session, the 1985 Kansas Legislature approved a funding measure for a study of Cheyenne Bottoms, looking at its geology, biology, ecology and hydrology and making recommendations on the best way to restore the area. Long-time activists were astounded that this mission was accomplished in such a relatively short time!

On November 22, 1986, the *Saving Cheyenne Bottoms II Conference* was held in Great Bend. Researchers from the Kansas Geological Survey and Kansas Biological Survey introduced the audience to the findings of the recently completed feasibility study and provided an overview of the tentative options. On January 20, 1987, the Environmental Assessment was submitted to the Fish and Game Commission.

At the time the Environmental Assessment for Cheyenne Bottoms was being finalized Mike Hayden became governor. He reorganized the KS Fish and Game Commission and the KS Park and Resource Authority into the Kansas Department of Wildlife and Parks. This happened during his first year in office, in

July 1987. His administration also fought hard to establish stable, permanent funding sources for the State Water Plan – financed by money from the State General Fund, Economic Development Initiative Fund, Clean Drinking Water Fee Fund, fees on water use, sale of fertilizer and pesticide registration and pollution fines. With that many sources, it took two years to craft an acceptable compromise in the Kansas Legislature. Passed in 1989, the Water Plan Fund currently generates about \$20 million each year. This was an important step, eventually leading to funding for restoration of the Bottoms.

About the same time, KAC hired a part-time lobbyist, Joyce Wolf, who was able to capitalize on the enthusiasm and solid information that Jan’s work for Cheyenne Bottoms had generated. Audubon Chapters across the state received periodic legislative reports on wildlife-resource issues and chapter phone trees were established.

## A Flood of Support: Securing Funding for Restoration

Now, big tasks lay ahead: selecting management and restoration options, and seeking funding for the restoration process. More letters to legislators, phone calls, visits to Topeka, press releases, letters to editors: finally the Kansas legislature agreed to FY 1992 funding of \$1,000,000 for restoration of Cheyenne Bottoms.



Prior to Governor Joan Finney's inauguration, but after her election in the fall of 1990, members of the "Environmental Lobby Caucus" were invited to meet with her to bring to her attention issues that each organization had been working on. The group consisted of representatives of: Kansas Audubon Council, League of Women Voters of Kansas, Kansas Rural Center, Kansas Wildlife Federation, the Kansas Chapter of the Sierra Club and the Kansas Natural Resource Council. As the conversation progressed, someone queried the Governor-elect about her environmental priorities. Her response was, "I'm a blank slate," meaning she was open to all ideas that would be proposed. Joan Finney had a reputation as being a sort of "quirky" politician, and unfortunately, the Sierra Club lobbyist took her statement out of context and straight to the press! Needless to say, it caused quite a stir and subsequently led to her line-item veto in 1992 for restoration funding for Cheyenne Bottoms.

However, because of the effectiveness of the "phone trees" of Kansas Audubon chapters, phones in Topeka were ringing off the hooks. Legislators were besieged by callers from their local districts. This had become an issue of national interest with National Audubon, Ducks Unlimited and the National Wildlife Federation supporting their grassroots activists with



letters from national headquarters. The results were stunning. By margins of 36 to 0 in the Senate and 107 to 17 in the House, the Kansas legislature voted to override the Governor's veto!

### At the End of the Rainbow: Celebrating Success

Although Jan was a modest and shy woman, over the course of a decade, she

interacted with three Kansas governors and thousands of concerned citizens from all walks of life. With degrees in history and in journalism, it is not surprising that when the restoration battles were over in 1999, Jan donated 1.5 cubic feet of documents and associated artifacts to the Kansas State Historical Society.

Today, the Ramsar Convention on Wetlands of International Importance



**Seliesa (Sil) Pembleton** began her career as a classroom teacher in MO, AR and KS and obtained a Master's degree at KSU. As president of Northern Flint Hills Audubon Society in Manhattan, KS, Sil enjoyed the camaraderie and friendship of members and was active in conservation issues including "Saving Cheyenne Bottoms." After moving to Washington, DC, she worked at the National Science Resources Center, based at the Smithsonian Institution, writing hands-on curriculum for the National Academy of Science. She served as Director of Environmental Studies at Hard Bargain Farm Environmental Center, located on the banks of the Potomac, teaching everything from wetland ecology to cow milking. She was invited and traveled to Japan several times to teach environmental education "American style." She authored two natural history books for children, *The Pileated Woodpecker*, and *The Armadillo*, part of the Remarkable Animal series published by Dillon/McMillan Press. Seliesa currently serves on the board of the Jeffers Foundation and works free-lance as an environmental educator and teacher-trainer, encouraging teachers to move the classroom outdoors and team-teach

with Mother Nature. She and husband, Ed also lead natural history tours.

**Ed Pembleton**, a life-long educator and conservationist, has dedicated his professional career to connecting people of all ages to nature. Pembleton has taught a wide variety of "students" in settings ranging from the sandbars of the Platte River to the corridors of Congress. A Missourian, trained as a biologist and classroom educator, Ed taught in public schools and nature centers before becoming a Kansas-based field representative for National Audubon and worked throughout five states in partnership with Ron Klataske in the regional office in Manhattan. In 1987, he transferred to Washington, DC, to direct Audubon's water resources program and redirect his educational skills toward 535 members of Congress and members of their staff. He had become a lobbyist! In 1994 he went independent working as a photographer and an "outside the Beltway" water resources consultant to non-profit organizations and the Department of Interior. In 2000 he returned to the Midwest to join Pheasants Forever as Director of the Leopold Education Project, with a mission to educate individuals to develop a personal land ethic based on Aldo Leopold's writings in *A Sand County ALMANAC*. In 2008, he returned to photography, consulting and leading natural history tours.



recognizes Cheyenne Bottoms as a vital world-class wetland. Approximately 45% of all migratory shorebirds nesting in North America stage at Cheyenne Bottoms. The site is classified as "critical habitat" for the endangered Whooping Crane and Least Tern and also supports other diverse wetland species. On November 6, 2009, twenty Whooping Cranes were reported by the manager of the new Kansas Wetlands Education Center established at Cheyenne Bottoms – and Whooping Cranes have been seen there every spring and fall since then. The center was Jan Garton's last collaborative effort on behalf of the wetland she treasured. Friends within the conservation community have started a movement to establish a memorial for her at the new center. Jan Garton would blush at the thought of such an honor.

Jan maintained a 4:00 am to 9:00 am job loading trucks at UPS because it gave her the day to research, plan, write, create, make phone calls and collaborate on issues of importance. Clean air, clean water, wild and special places and the creatures dwelling there, prairies, parks, trails, burgeoning populations, unbridled development, global climate change, the plight of whales, social justice issues all mattered to Jan and she worked tirelessly on their behalf. But the dire condition of Cheyenne Bottoms Wildlife Management Area was the focus of Jan's passion and talents. For more than ten years she devoted herself to Saving Cheyenne Bottoms. Her extraordinary efforts garnered a vital, internationally recognized and restored wetland – as well as statewide admiration and national recognition.

In 1990, in Washington, D.C., Jan Garton was honored with a prestigious Chevron Conservation Award. In 36 years, she was only the third Kansan to be recognized by the country's oldest private



conservation award program judged by a panel of independent conservationists. The presentation of awards began with these words:

**IN SERVICE TO THE EARTH AS  
A CITIZEN VOLUNTEER  
ON MAY 16TH, HERE IN  
WASHINGTON, D. C., WE HONOR  
THOSE WHO HAVE TAKEN  
MEANINGFUL ACTION TO  
PROTECT AND PRESERVE OUR  
QUALITY OF LIFE AND NATURAL  
ENVIRONMENT.**

More than ever before, now is the time we must actively seek realistic solutions to our environmental problems. We can achieve success through our imagination, determination and cooperation. Symbolic of these qualities are those individuals and organizations recognized through the Chevron Conservation Awards Program. This year, at the 36th annual awards ceremony and dinner; the pioneers of the new environmental decade will be honored. Their independent spirit and selfless actions help ensure the future of our planet and set the example for us all.

***Jan Garton set the example for us all.***

*Jan Garton grew up in Chapman, and then lived the remainder of her life in Manhattan. She died at age 59 on November 9, 2009. I thought of Jan and Sil Pembleton two days earlier when visiting the Wetlands Education Center. One of the things usually missing from official display, as in this case, is the vital role of public citizen conservation advocates in pushing governmental agencies and lobbying other institutions to do the right thing to protect our natural heritage of wetlands, wildlife, prairies, rivers and more. Jan provided the passion and intellect that was the catalyst for turning the fate of Cheyenne Bottoms from one of dryland fields and occasional wetlands to a wonderfully managed wetland complex.*

*We wish Jan could have been there that extraordinary weekend: 36 Whooping Cranes were observed in a single day in the vicinity of Cheyenne Bottoms and Quivira National Wildlife Refuge. On Monday after learning of her death, the first thought was that,*

*"Her spirit will undoubtedly be under the wings of these magnificent birds as they lift in the thermals as they continue their migration."*

*If Kansas, following Missouri's lead, ever develops a Conservation Hall of Fame, we trust that Jan will be honored with a plaque—and an accompanying "Save the Bottoms" seat cushion in a case nearby. – Ron Klataske*

In the next issue of *Prairie Wings*, there will be a follow-up article: "Saving Cheyenne Bottoms – Part Two." With the groundwork having been laid, the next major hurdle was to ensure that its water rights would be upheld by the Division of Water Resources, a part of the State Department of Agriculture. The article will touch on the history of water rights in Kansas and tell the story of the monumental decision upholding the Bottoms' water right.