

REF: HB 2061

### Change of authority and duties of the Department of Conservation

My purpose in speaking to you today is to bring some thoughts about how we arrived at legislation as a remedy and how it would allow Watershed Districts to continue building water control structures.

As legislators you are well aware that we are often faced with proposed legislation when non-legislative alternatives are exhausted and/or remedies need one or more tracks or alternatives. In this case, it is the latter.

Our Kansas Watershed districts are struggling with new rules from the Corps of Engineers (COE) regarding the “compensating mitigation” requirements before a permit is issued to construct a new water retention (dam) structure. These COE rules will be explained to you in later testimony, but at this point I’ll just say they have become an obstacle. This bill (HB 2061) provides an option for these districts.

This remedy came about after bringing together the watershed district stakeholders, farm organizations, Department of Ag representatives from the Secretary’s office and Department of Conservation, as well as regional representatives of the Corps of Engineers. After a clearing of the air about what was possible, there was common agreement of all parties that a possible remedy is for the Department of Ag to hold these voluntary conservation easements. There will be further explanation of this option by later conferees.

You will hear valid testimony that most, if not all parties testifying today, would have preferred that these remedies would not be needed. But, modifying the COE rules are not likely in the near future. While congressional and/or administrative rule changes are worked on by these same parties, this bill provides a more economical alternative for watershed districts and the affected landowners by authorizing the Kansas Department of Agriculture’s Division of Conservation to provide the services provided in the proposed amendments to KSA 2-1904. Thank you for your courteous attention to this need.

Tom J. Moxley