

Conservation Easements for Watershed Districts; HB 2061

HB 2061 permits the Division of Conservation of the Kansas Department of Agriculture (KDA), in consultation with the State Conservation Commission, to take action necessary to restore, establish, enhance, and protect natural resources with conservation easements for the purpose of compensatory mitigation required under Section 404 of the federal Clean Water Act in addition to other powers and duties authorized by law.

This new authority permits the acceptance, purchase, or other acquisition of conservation easements on behalf of watershed districts for the purpose of protecting compensatory mitigation sites; contracts with engineering consultants, surveyors, and construction contractors for the purpose of restoration, establishment, and enhancement of natural resources; and the establishment of fees for the acquisition and administration of conservation easements held on behalf of watershed districts, acceptance of fees from state and local government agencies, and the assumption of responsibility to ensure the terms of the conservation easement are met, as approved by the KDA, for the length of the term of the easement for the fees that were accepted.

In addition, the bill creates the Compensatory Mitigation Fund where fees for the administration of mitigation credits will be deposited. The Fund will be administered by the Secretary of Agriculture, and all expenditures will be for conservation.

The bill also makes explicit that all costs associated with compensatory mitigation will be paid by the watershed district for which the KDA, Division of Conservation, holds the conservation easement. The KDA will be prohibited from spending moneys from the State General Fund or any special revenue funds for the purpose of accepting, purchasing, or acquiring conservation easements, with the exception of the Conservation Fund created by the bill. The KDA will be authorized to spend Conservation Fund moneys on the administration of conservation easements authorized by the bill, on behalf of watershed districts.

Additionally, the bill prohibits the KDA, Division of Conservation, from accepting, purchasing, or acquiring any conservation easement for any purpose other than those stated in the bill.