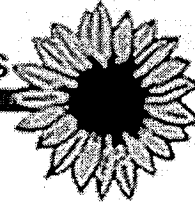




STATE ASSOCIATION  
OF KANSAS WATERSHEDS



**Testimony on SB 153**

**Senate Standing Committee on Natural Resources**

**February 15, 2013**

Chairman Powell and members of the Senate Natural Resources Committee

My name is Herb Graves, Executive Director of the State Association of Kansas Watersheds. SAKW stands to take a neutral position on SB 153.

We appreciate the effort of the Kansas Department of Agriculture's Division of Water Resources to reduce the number of smaller dams requiring DWR permits for construction and or modification. HB 2051 would reduce by 24% the number of regulated dams. SB 153 would more than double that percentage. Not sure that big a jump is appropriate.

The impact of SB 153 on regulated watershed district dams planned and constructed is really not known at this time. SAKW feels from a dam safety and liability stand point all watershed district dams should remain regulated. Oversight by DWR for designs, water appropriations matters, and dam safety inspections of watershed district dams helps assure district landowners that a safe and well managed dam is or will be constructed on their property.

DWR has interpreted SB 153 to un-regulate some significant and/or high hazard dams. We do not read that in the legislation as it is clearly stated on page 2 paragraph (d) (2) that the dams must be hazard class A.

Dam safety inspections by licensed professional engineers have increased over the years. Eliminating a fee schedule of DWR conducted dam safety inspections that reduces the chance of dam owners defaulting on required dam safety inspections thinking they can get a better deal through DWR makes sense.

If a dam owner ignores required dam safety inspections, perhaps a penalty to go along with a DWR bill for those inspections would be a better insensitive to get the inspections done.

Just as a side note. It is too bad that the federal regulators do not take the same steps as HB 2051 or SB 153 is attempting to by reducing regulations. No matter what the outcome of either of these bills, the requirements of the Clean Water Act Section 404 permitting

process will not go away and will remain as a much more challenging demand on dam owners.

Thanks for the opportunity to comment on SB 153 and I would be glad to take an questions from the committee at the appropriate time.

Herbert R. Graves Jr.  
SAKW Executive Director