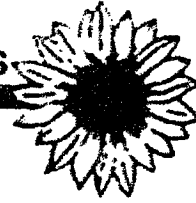




STATE ASSOCIATION
OF KANSAS WATERSHEDS



Testimony on HB 2051

Senate Standing Committee on Natural Resources

March 14, 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 HB 2051.

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.

HB 2051 would deregulate 12 existing watershed district dams. 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 regulations of watershed district dams helps assure district landowners that a safe and well maintained dam exists now and into the future. One idea might be to exempt watershed district dams from the provisions of HB 2051 as it relates to dam size criteria. All watershed dams not yet built are intended to be permitted and regulated by DWR.

SAKW supports the efforts of HB 2051 to allow proper maintenance of channels and streams. Just as a word of caution though, at the present time a watershed district is facing federal oversight for cleaning a channel that would be authorized by HB 2051. The work in question was within recorded easement boundaries of the district. The CWA Section 404 provides jurisdiction to the US Army Corps of Engineers in such matters as most all streams in Kansas are considered waters of the US. HB 2051 may be setting up a State versus Federal regulatory matter as it relates to stream cleanout.

Thanks for the opportunity to comment on HB 2051 and I would be glad to take any questions from the committee at the appropriate time.

Herbert R. Graves Jr.
SAKW Executive Director

SEN. NATURAL RESOURCES

Date 3-15-13
Attachment # 2