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**Testimony in Support of HB 2452 to
The House Water and Environment Committee
By Rob Reschke
Kansas Department of Agriculture
January 18, 2018**

Good morning Chairman Sloan and members of the committee, my name is Rob Reschke and I am the Executive Director of the Division of Conservation at the Kansas Department of Agriculture (KDA). I am here to testify in support of HB 2452. KDA acknowledges that third party mitigation is a viable, cost effective mitigation option for Kansas Watershed Districts as a condition to receiving federal permits to construct watershed dams. KDA also acknowledges that the easements in perpetuity as a condition of the permit are an obstacle. Easements limited to the life of the project may help to remove this obstacle.

Although supportive of this legislation KDA does have the following concerns:

- This legislation references federal law. KDA suggest that the Corps of Engineers be consulted about the applicability and/or feasibility of such legislation.
- It is important to remember “life of the project” refers to the conservation easement, not the life of the structure. This language may be problematic to the Corps of Engineers.
- KDA requests that the Department of Water Resources be replaced with the Division of Conservation.
- The determination process for the termination of an easement could be complex and time consuming. All costs associated with this legislation should be assumed by the watershed district.
- It is important that this legislation be specific to conservation easements related to permit applications for watershed districts and the construction of watershed dams.

Since 2014 no structures have been built. Work has been done to remove and address obstacles that will allow the permitting process to move forward; specifically, the authorization to allow the Division of Conservation to be a third-party easement holder. Two to three projects a year would be directly affected by the resolution of these permitting/mitigation/easement issues.