1320 Research Park Drive
Manhattan, Kansas 66502

MINUTES OF THE STATE CONSERVATION COMMISSION

1. The State Conservation Commission meeting was called to order by Rod Vorhees, Chairman and Area V Commissioner, at 2:04 p.m., Sunday, November 19, 2017, at the DoubleTree by Hilton Hotel Wichita Airport, Wichita, Kansas.

2. ATTENDANCE:

Elected Commissioners:

Ted Nighswonger, Area I Commissioner
Andy Larson, Area II Commissioner
Brad Shogren, Area III Commissioner
John Wunder, Area IV Commissioner
Rod Vorhees, Area V Commissioner (left at 6:00 p.m.)

Ex-Officio & Appointed Members:

Sheldon Hightower, Acting State Conservationist, USDA, NRCS (left at 6:10 p.m.)
Peter Tomlinson, Ph.D., Associate Professor, Extension Specialist for Environmental Quality Agronomy Department, Kansas State University (left at 6:10 p.m.)
Terry Medley, P.E., Water Structures Program Manager, Division of Water Resources, Kansas Department of Agriculture

Division of Conservation, Kansas Department of Agriculture Staff:

Rob Reschke, Executive Director
Scott Carlson, Assistant Director (left at 5:55 p.m.)
Steve Frost, Administrative Manager (left at 3:25 p.m. for another meeting, returned at 5:10 p.m.)
Dave Jones, Water Quality Program Manager
Hakim Saadi, Watershed Program Manager
Cindy Pulse, Administrative Specialist
Tim McCoy, Riparian & Wetland Program Manager
Donna Meader, CD Program Coordinator (arrived at 5:28)
Cathy Thompson, Program Consultant (arrived at 6:00)

Guests:

Herb Graves, Executive Director, State Association of Kansas Watersheds (SAKW)
Bob Atchison, Kansas Forest Service (left at 5:05 p.m.)
Larry Biles, Kansas Forest Service (3:10 p.m. to 3:34 p.m.)
Stephanie Royer, President, KACD-EO (arrived at 3:55 p.m.)

3. ADDITIONS/CORRECTIONS TO AND APPROVAL OF AGENDA:

Changes made to:

8. Unfinished Business
   c. Review prior year FY 2015 LWS and FY 2016 cost-share cancellation policy recommendations

9. New Business
   j. Discuss NACD technical assistance grants - Reschke

A motion was made by Ted Nighswonger to approve the agenda as amended. The motion was seconded by Brad Shogren. Motion carried.

4. MINUTES OF THE PREVIOUS MEETING:

A motion was made by Brad Shogren to approve the September 14, 2017, minutes as mailed. The motion was seconded by John Wunder. Motion carried.

5. COMMENTS FROM GUESTS:

a. Herb Graves, Executive Director, State Association of Kansas Watersheds (SAKW) – Herb expressed that he was glad to be present. SAKW is getting geared up for the first phase of 566 funding. The SAKW annual meeting is in late January.
b. Bob Atchison, KFS (See Attachment A) - touched on funding, wildfire, streambank, pleased with relationship with DOC
c. Larry Biles, KFS - Larry explained that fire suppression is largely handled by volunteers. This year the KFS struggled due to lack of volunteers. Quicker response to fires is needed in order to be successful. He is pleased with activity between KDA and SCC.
d. Stephanie Royer, President, KACD-EO (See Attachment B) – Working hard to keep Districts improving, April 19, 2018 is the tentative KACD-EO meeting in Salina.

6. FINANCIAL REPORT:

a. FY 2018 quarterly financial report – Frost (See Attachment C)

* Steve gave a quick update and few highlights on the financial report. He also mentioned that Cathy does a great job on compiling the detailed reports.

7. COMMUNICATIONS AND ANNOUNCEMENTS:

a. Introduction of new DOC employee, Tim McCoy – Reschke
   * Rob introduced Tim – he worked two years for NRCS at Clay Center. SCC commissioners introduced themselves to Tim as well.

8. UNFINISHED BUSINESS:

a. Review KACD convention roles, responsibilities – Vorhees
   i. Preside at Monday SCC luncheon: Rod Vorhees
      * Rob mentioned that we should capitalize on the Lt. Governor attending
   ii. Give invocation at Monday luncheon: Andy Larson
   iii. Introduction of Ed and Youth Committee Chair Jarrod Bowser: John Wunder
   iv. Keynote and Guest luncheon speakers' introduction: Rod Vorhees
   v. Governors Recognition award winners during luncheon: Ted Nighswonger
   vi. Presentation of 20 year awards during luncheon: Brad Shogren

b. Review and discuss cost-share deposit survey results – Frost (See Attachment D)
   * Steve reviewed the highlights of the survey

c. Review prior year FY 2015 LWS and FY 2016 cost-share cancellation policy recommendations – Jones

   * Steve will work on something/come up with something for January meeting to present at spring workshops (a policy/guidelines)

   - **Extend all FY 2015 encumbered LWS cost-share contracts in the Non-Point Source Pollution Control Program until June 1, 2018.**

   - **Extend all FY 2016 encumbered LWS cost-share contracts in the Non-Point Source Pollution Control Program until June 1, 2019.**

   - **Extend all FY 2016 encumbered cost-share contracts in the Non-Point Source Pollution Control Program and Water Resources cost-share program until June 1, 2018.**

A motion was made by Ted Nighswonger to extend all FY 2015 encumbered LWS cost-share contracts in the Non-Point Source Pollution Control program until June 1, 2018. The motion was seconded by Andy Larson. Motion carried.

A motion was made by John Wunder to extend all FY 2016 LWS encumbered cost-share contracts in the Non-Point Source Pollution Control program until June 1, 2019. The motion was seconded by Brad Shogren. Motion carried.

A motion was made by Andy Larson to extend all FY 2016 encumbered cost-share contracts in the Non-Point Source Pollution Control and Water Resources cost-share programs until June 1, 2018. The motion was seconded by Ted Nighswonger. Motion carried.

d. Update on the Kansas Wildfire Cost-Share Initiative – Jones
* Dave provided an overview of the wildfire tour at the SCC-KACD joint meeting in Greensburg. He ended up receiving a total of 12 applications for wildfire cost-share assistance.
* SCC requested list of approved applicants for next meeting.

BREAK 3:35 p.m. to 3:50 p.m.

9. NEW BUSINESS:

a. Review the tentative 2018 Spring Workshop dates and locations – Reschke (See Attachment E)
* Area III – March 6, Prairieland Partners, McPherson
* Area II – March 7, KSU Experiment Station, Garden City
* Area I – March 8, Buffalo Bill Center, Oakley
* Area V – March 14, Old Iron Club, Fredonia
* Area IV – March 15, KDA Headquarters, Manhattan

b. Discuss legislative testimony from the Special Committee on Natural Resources - Reschke (See Attachment F)
* Rob summarized the full testimonies in previous packet mailed out from the October 31 and November 13 sessions.
* John expressed that he wants a strategy, what we promote, what we're doing, including the Conservation Districts, the SCC, DOC and how do we do it, what are we doing, action items
* For the second part of the legislative testimony, the committee decided on 1) Comprehensive study of water law water rights and 2) Recommend that funding should be appropriated

c. Review KACD resolution analysis – Jones, Frost (See Attachment G)
* Discuss commissioners' committee assignments – Vorhees
Scott said we need SCC representations and engagement in all meetings – Dave mentioned analysis are for use of your own, highlighted the resolution analysis
    * John – Finance
    * Brad – Natural Resources
    * Andy – Urban
    * Ted – Wildlife
    * Rod - Grasslands

d. CSIMS 2.0/RALIS Update – Carlson
* CSIMS will be the same in regards to functionality – March 19 is target date to have core complete & released to districts
* RALIS core functionalization complete
* Many reclamation approvals have been completed
* Additional improvements – bond coverage is nearly 100%
* Have elected to enforce the law to apply penalty
* Actively reporting all sites

e. Review Commissioners' and Staff Travel - Reschke
i. NACD – January 27-31, 2018, in Nashville, Tennessee

f. Report on attendance at the National Association of State Conservation Agencies (NASCA) Annual Meeting in Nebraska City, Nebraska, September 25-27, 2017 – DOC Staff (See Attachment H)
* This was first year that National Watershed Coalition was held in conjunction with NASCA.

g. Review and discuss letter from Washington County Conservation District – Jones (See Attachment I)
* Washington County is asking for more money to help with project, but it is not in a HUC area

A motion was made by John Wunder to allocate $2,016.00 from Water Resources to Washington County, and to send a letter to KDHE and WRAPS notifying them of the discussion. The motion was seconded by Brad Shogren. Motion carried.

h. Discuss WR and NPS reallocation scenarios – Jones (See Attachment J)
* Dave discussed a few different scenarios for SCC to review; asked for direction from SCC and what likes/dislikes are

Brad Shogren moved to allocate above high priority federal reservoirs with a call for projects then statewide. The motion was second by Ted Nighswonger. Motion failed.

* Peter suggested structural practices being the focus on first call for projects
* John suggested redistributing state-wide to those who allocated all funds originally received
* Brad suggested using reallocations and do call for projects – 1 project per county

John Wunder moved to leave a $30,000 balance for the wildlife cost-share initiative, $15,000 for soil health education funding, and all additional funds to be distributed equally among counties that have shovel-ready projects. The motion was seconded by Ted Nighswonger. Motion carried.

i. Discuss KDA Christmas party scheduled for December 15 – Reschke
* Joint board meeting in the afternoon following the party – correspondence/invitation following

j. Discuss NACD technical assistance grants – Reschke (See Attachment K)
* Looking at working with KACD – workload analysis…highest workload that is understaffed (NRCS); there are match requirements

10. REPORTS:

a. Agency Reports:
* NRCS – Sheldon Hightower – Provided his report in the joint meeting (See Attachment L)

b. Staff Reports:
* Steve Frost – no report
* Tim McCoy – no report
* Dave Jones – no report
* Cindy Pulse – no report
* Hakim Saadi –Attended NASCA, has been helping KDHE (See Attachment M)
* Cathy Thompson – CSIMS update
* Donna Meader – CS reviews, now on Agiland Committee
* Rob Reschke – Explained what is done during Conservation District audits

c. Commissioner reports:
* Ted Nighswonger – position with Water Authority moving right along
* Brad Shogren – no report
* Andy Larson – asked Terry about an ECA permit/well in the flood plain to be filled
* John Wunder – attended Governor's Water Conference
* Rod Vorhees – no report

11. ADJOURNMENT:

The next regular Commission meeting is scheduled for Monday, January 22, 2018, at 9:00 p.m. at the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas.

A motion was made by Ted Nighswonger to adjourn the meeting. The motion was seconded by Andy Larson. Motion carried. The meeting was adjourned at 6:23 p.m.

Rob Reschke
Executive Director

KFS/DOC Streambank Protection Riparian Forest Buffers

- DOC "sub-contracts" the vegetative component (streambank protection riparian forest buffers) to KFS to plant and provide three years of intensive establishment maintenance, in order to get the trees/shrubs/native grasses well-established.
    - Every year, new sites will be added and old sites will conclude after their three years of maintenance, resulting in a constant flow of sites
- Streambank protection riparian forest buffers are established using fast growing tree species, other hardwood species, shrubs, native grasses and forbs, and cover crops and nurse crops.
- Maintenance activities include weed control with herbicide and mowing, replanting any vegetation that has died, flood damage repair and clean-up, all completed based on routine inspections and detailed record keeping.

- Currently have 70 sites with active contracts for buffer management
    - 19 will conclude by spring 2018
    - 10 new sites will be added spring 2018
    - This will net 61 sites by summer 2018
- 21 new sites were planted in 2017
    - 34.21 acres of riparian forest buffer
    - 19,972 feet of streambank protection
    - Program enrollment – multiple landowners per site
        - 15 CRP contracts
        - 8 DOC Incentive Program
        - 1 "other"
            - 15+8+1 doesn't equal 21 because of multiple landowners on some sites
- 2017 Successes
    - Cover crop has been doing an excellent job suppressing weeds, even Johnsongrass
    - Routine inspections have identified small problems before they become big ones, such as flood damage
    - Special attention and new techniques in site preparation and soil rehabilitation (after heavy excavating traffic) has allowed for great first-year survivability
    - With the help of DOC and support of the Interagency Streambank Team, the contracting and administration processes of buffer sites has been streamlined, which will allow more time to spend in the field working with landowners to achieve the greatest conservation effects.
- Photo 1 - Site along the Cottonwood river. Planted in spring 2017. Incredible first year clover cover crop growth. Native grass strip is evident between clover and crop field. Native grass strip is patchy and has weeds, but will fill in over the next couple of years. Trees are in the bare strips. The bare strips have been maintained with herbicide, and will be allowed to fill in with clover next year. The trees have done on this site as well, even though they can't be seen in this photo.
- Photo 2 - Andy Klein standing within a row of 8' tall sycamore at a site along the Cottonwood River. Site was planted with bare root seedlings in 2016 – that is just two years growth! Clover cover crop did not establish as well, hence the grassy weeds visible in the photo. Clover was reseeded at this site this fall.

Kansas Forest Service – Kansas Department of Ag Division of Conservation
Streambank Protection Riparian Forest Buffers

2017 results

- 21 sites were planted
  - 34.21 acres of riparian forest buffer
  - Protecting 19,972 feet of streambank
  - Program enrollment – multiple landowners per site
    - 15 CRP contracts
    - 8 DOC Incentive Program
    - 1 "other"
- 70 sites with active contracts
- Cover crop has been doing an excellent job suppressing weeds, even Johnsongrass
- Routine inspections have identified small problems before they become big ones
- New techniques in site preparation have produced outstanding first-year survivability
- With the help of DOC and support of the Interagency Streambank Team, the contracting and administration processes of buffer sites has been streamlined, which will allow more time to spend in the field working with landowners to achieve the greatest conservation effects.

2018 forecast

- 10 new sites will be added spring 2018
- 19 will conclude by spring 2018
- 61 sites with active contracts by summer 2018

Cottonwood River Riparian Forest Buffer planted in 2017.

Cottonwood River Riparian Forest Buffer planted with bare-root seedlings in 2016. Photo taken August 2017. 8 foot tall trees!

Kansas State University - Kansas Forest Service's (KFS) 2017 Wildfire Engagement

Summary Report

KFS Staff and Cooperating Fire Districts Contributions to the suppression and management of Kansas' March 2017 Wildfire Outbreaks under the Auspices of a Legislated Duty and the Protocols of Home Rule

- Voluntary Fire Districts: A significant percentage of the state's four hundred eighty-six Fire Districts **organized, trained and equipped by KFS** were heavily engaged, as **First Responders**, to 20 raging wildfires across western Kansas in early March. With two exceptions (Highlands Fire – Reno County and Starbuck Fire, Clark County), National Wildfire Coordinating Group (NWCG) Trained Volunteers from individual Districts alone or through neighboring Mutual Aid Agreements mostly used excess military equipment to curb the fires at a few hundred to a few thousand acres, comparatively speaking. The largest a 57,000 acre fire in Lane County.

- Kansas Forest Service Staff:

- Rodney Redinger:
  - Provided direct, on-scene incident management decision making and command support to the Reno County Fires from Friday March 3rd thru Sunday March 12th.
  - Alone, or in coordination with other commanders at the scene Rodney made split second decisions on such highly critical impacts such as:
    - Ordering in Incident Management Teams (IMT's), both the State All Hazards Type 3 team, and the Rocky Mountain Area Type 2 team.
    - Evacuation zone locations, and times to implement those evacuations.
    - Shared in tactical decisions on where and how to slow and eventually contain the forward progress of those fires.
  - Provided invaluable mentoring and coaching to local and state commanders who had never before faced a Highland fire situation.
  - Reached out to partners at the regional and national level. Thru the relationships Rodney has established over the years as KFS' representative to the Rocky Mountain Area Committees and IMT's Rodney was able to secure the assistance from outside of Kansas at no, or reduced cost to the citizens of Kansas.
  - Logged 130 hours managing fire suppression and initial recovery activities.
- Ross Hauck:
  - Provided night shift support to the State Emergency Operations Center (EOC) where on the first night of EOC operations Ross was key in making a "think outside the box" decision to find additional mutual aid resources to help fight the fires breaking out all across the state. Ross also worked with other state officials at the EOC to make the decision to commit the Type 2 IMT to the Highlands Fire.
  - Provided on-scene coordination and guidance to the incident command structure at the Clark County portion of the Starbuck fire. Ross' presence greatly improved communication between that incident, the state EOC, and the out of state resources brought in by KFS to assist.
  - Logged 108 hours managing these fires.

- Eric Ward:
    - Provided additional operational command and control support to the Reno County area fires. Eric was out in the fire locations providing real time information to and from the front-line firefighters and those commanding the operations back at the Incident Command Post.
    - When the decision to order in the out of state resources was made, it was Eric that made the trip to Dodge City to set up the pieces that needed to be in place to get those resources checked-in and operational. The location for check-in, support and guidance for the incoming resources, called a mob-center, that Eric put in place for the aircraft and engine task forces that came into Kansas would often be handled in other parts of the country with weeks of planning and a staff of at least a half-dozen or more. Eric set up his mob-center in a matter of hours and ran it solo.
    - Once all the resources were checked in, Eric moved his area of assistance over to the Dodge City airport. At the airport Eric essentially helped coordinate the situation of all the aircraft, but specifically the SEATs to make sure everyone had the information and coordination needed to use that resource safely and effectively.
    - Logged 88.5 hours managing these fires.
- Jason Hartman
    - KFS Duty Officer for the time period of the fires.
        - Received initial requests for KFS assistance when the fires began and coordinated that assistance with KDEM, USFWS, and other partners.
        - Coordinated the availability and assignments of KFS non-fire and fire temp staff.
    - KFS liaison to the State Emergency Operations Center.
        - Basically the same function as the Duty Officer, but, instead of all the inter-agency coordination being done remotely it was moved to being physically in the State EOC at the KDEM building with most of the State level partners also in the room making coordination more direct and timely.
        - Came to an agreement with KDEM to have KFS' Mission Assigned to coordinate national resources into Kansas in support of the fire effort. As such Jason placed the orders with our federal partners for aircraft, on the ground resources, and incident management resources.
        - Worked to gather, keep and share the information needed to keep KFS staff, federal partners, other KS agencies, and other state partners (Oklahoma) informed on the situation.
        - Logged 121hours managing these fires.
- Larry Biles – State Forester: Cut a trip to Washington DC short in order to be in the state to assist in making the necessary decisions to support unprecedented conditions in KS. Traveled to the Hutchinson incident base and welcomed in the RMA IMT2 Blue Team to KS. Supported KFS staff in this time of critical need while still keeping an eye on the "big picture" of long term budget and relationships with KSU and other state/federal partners.
- John Klempa - SEMG. SEMG means SEAT Manager. SEAT stands for Single Engine Air Tanker. SEATs carry up to 800 gallons of water to the fire quickly and drop it on the fire line, or ahead of the fire line in a protective manner. John's SEMG responsibilities included being the ground

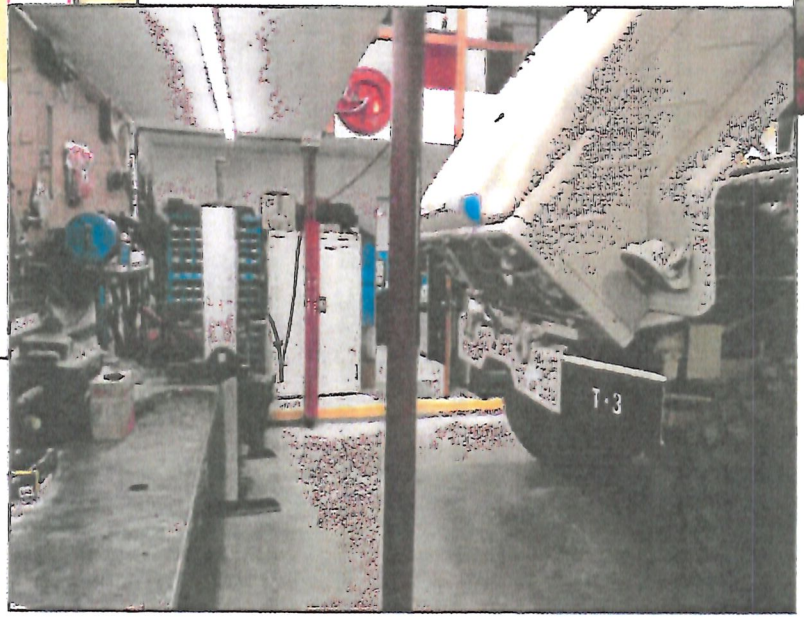
contact for making sure that the SEATs had what they need logistically, could operate safely, and coordination between the pilots and the incident command structure on what needed done.

- Dennis Carlson - As ENGB, or Engine Boss, Dennis was in charge of KFS' Fire Engine and crew. This responsibility is similar to a municipal Fire Department Captain. In this position Dennis received assignments from the command structure and decided how best to accomplish those tasks safely and efficiently. In this capacity the Dennis was directly on the fire line supervising his crew of 2-4 additional firefighters to attack the fire, protect structures, etc. Dennis and his crew were directly engaged multiple times in saving structures.

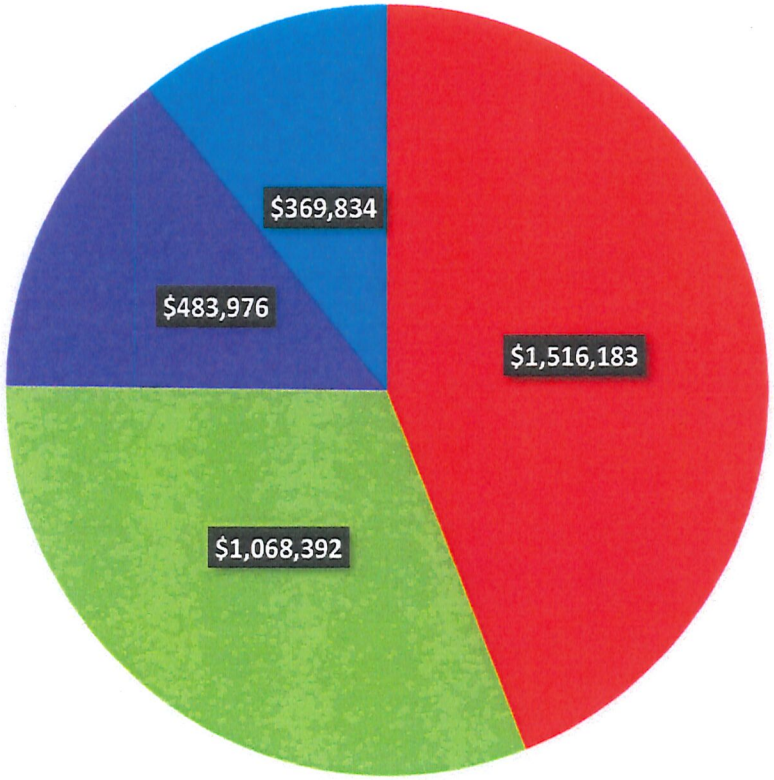
The above is a list of KFS' full-time staff that directly engaged at a location remote from their home office. Assisting from the State Office were Aimee Hawkes, Accountant; Darci Paull, GIS; and Jennifer Williams, Communications.

- KFS – KSU' Fire Program Temporary Employees:
  - Mark Penner (Peabody), Travis Pohlman (Peabody), and Glen Collinge (Eureka) all were assisting on the Hutchinson area fires as FFT2. They were the firefighters helping Dennis on KFS' engine.
  - Chris Rohrbach (Overland Park) is a Finance Section Chief type 3 (FSC3) and also a Documentation Unit Leader (DOCL). She was in Ashland helping Clark County keep track of personnel and equipment and documenting the hours worked, fuel used, supplies used, etc. by the firefighting resources on that fire.
  - Kristi West (Ellsworth) is a Personnel Time Recorder (PTRC). She was in Hutchinson helping track the hours worked by all the firefighting resources as well as other financial record keeping on that fire. Both Kristi and Chris were requested, by name, to assist KS Dept. of Emergency Management with the accounting documentation needed for FEMA's Fire Management Assistance Grant (FMAG) process.
  - Chip Redmond (Manhattan) worked at Hutchinson assisting the National Type 2 IMT as an Incident Meteorologist (IMET). He, provided specific and detailed information on potential weather impacts to the incident area hourly.
  - Troy Mueller, and Darin Gehring (Hutchinson) provided support to the Operations Section of the fires in the Hutch area. In this capacity they assisted in deciding what resources needed to go where, what their tasks would be, and how best to fight the fire safely and effectively. Parts of these decisions were sometimes made hours in advance, but sometimes had to be made immediately and with very large potential consequences.
  - Trig Morley (Gardner) Not a KFS Temp, was paid on a stipend and not a temp employee. He originally went to support a US Fish and Wildlife Service engine as an Engine Boss, but ended up helping in Operations similar to Mueller and Gehring, and even in Air Operations helping to coordinate where the SEAT's and Army National Guard were dropping.
  - Shawna Hartman (Manhattan) Public Information Officer (PIO) assisted KFS and the Rocky Mountain Area IMT release timely and accurate information with a strong focus on safeguarding the public and firefighters.

Current Building



Kansas Forest Service 2017 Budget



- Federal Funds 44%
- Competitive Grants (State & Federal) 31%
- Fee Income (Technical Assistance & Tree Sales) 14%
- State General Fund 11%

Total: $3,438,385

Attachment B

Kansas Association of Conservation Districts Employees' Organization

KACD-EO Report
KACD and SCC Meetings--November 2017

ok

KACD EO had their executive meeting this morning. Got organized for our annual meeting on Tuesday. Our theme this year is Conservation Mission: Possible. Guest speakers will be Heather Grigsby with Clark Co to give her presentation on her personal experience with the wildfires and Laura Demmel with NACD for a NACD update.

EO plans on continuing our 50/50 raffle and Christmas Ornament Silent Auction. Each district was asked to bring an ornament or Christmas item to be raffled.

EO is also participating again in the KACD Auction. Each area brought an item for the auction.

EO has been assisting Dan Meyerhoff with the KACD in preparing for this KACD convention. EO will be moderators and fill in where necessary.

EO updated the You Book and is currently updating the bylaws at our annual meeting Tuesday.

EO did approve one district scholarship for education. Two scholarships are still available.

EO collected scholarship applications for conservation district staff to attend the No-Till on the Plains Winter Conference this January 2018. Selected recipients at our earlier meeting today.

EO will be working on a picture directory for the Conservation Districts.

Around fifteen districts were represented at the Kansas Water Conference. Conservation Districts actually got mentioned a few times this year. Probably in part that the KACD was a sponsor this year. Hopefully it is because they feel Conservation Districts can play a vital role in progressing the Governor's Water Vision.

EO will focus on our area meetings this spring.

And as always, if anyone has any questions or issues they need assistance with please contact your Area KACD EO rep for assistance or EO President.

Attachment C

November 19, 2017 Financial Report
As of October 31, 2017

FY 2018 Water Resource Cost-Share Program

	FUND 1800-1205
FY 2018 APPROPRIATION	$1,727,387.00
FY 2017 CARRYOVER	$81,022.78
TOTAL APPROPRIATION	**$1,808,409.78**

	DESCRIPTION	PO NUMBER	ALLOCATION	COMMITTED	EXPENDITURES	PO BALANCE	UNCOMMITTED
	WR Admin*		$69,917.36	$0.00	$34,875.75		$35,041.61
	KSU Foundation - Building Rent	29581	$38,587.00	$38,587.00	$38,587.00	$0.00	$0.00
**	A.S.K. Task Order - Contract 1966 Implementing CD Cocument Submittal - CSIMS	29935	$72,000.00	$72,000.00	$0.00	$72,000.00	$0.00
	A.S.K Task Order - Maintenance	29336	$15,000.00	$15,000.00	$0.00	$15,000.00	$0.00
	TOTAL ADMIN		**$195,504.36**	**$125,587.00**	**$73,462.75**	**$87,000.00**	**$35,041.61**
	WR CSIMS		$1,377,703.37	$956,698.94	$135,992.13		$285,012.30
	110 MILE CREEK		$32,500.00	$12,500.00	$0.00		$20,000.00
	COAL CREEK		$32,500.00	$2,240.00	$0.00		$30,260.00
	LABETTE		$50,000.00	$0.00	$2,674.80		$47,325.20
	PEAT CREEK		$85,000.00	$51,336.72	$3,706.56		$29,956.72
	TWIN LAKES		$25,000.00	$14,997.00	$7,500.00		$2,503.00
	Wildfire		$73,644.34	$0.00	$0.00		$73,644.34
	IWC-WR		$9,000.00	$0.00	$9,000.00		$0.00
	Unallocated		$3,517.08	$0.00	$0.00		$3,517.08
	TOTAL WR CSIMS		**$1,688,864.79**	**$1,037,772.66**	**$158,873.49**	**$0.00**	**$492,218.64**
	PAYBACK		**$3,959.37**	**$0.00**	**$3,959.37**		**$0.00**
	TOTAL		**$1,880,409.78**	**$1,163,359.66**	**$228,376.87**	**$87,000.00**	**$527,260.25**

*6% of initial appropriation for administrative expenses.
**December Cancellation of Funds to meet this obligation

PRIOR FY PO'S	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
FY 2016 WR CSIMS	23693	$326,391.12	$25,004.78	$301,386.34	$0.00
A.S.K. Task Order - Oracle to Sequel - CSIMS 2.0 Upgrade	23759	$113,900.00	$19,450.00	$94,450.00	$0.00
A.S.K. Task Order FY 2017 - CSIMS - Maintenance	23760	$15,000.00	$14,900.00	$100.00	$0.00
FY 2017 WR CSIMS	28460	$707,969.83	$226,460.99	$481,508.84	$0.00

FY 2018 Non-Point Source Pollution Control Program

	FUND 1800-1210
FY 2018 APPROPRIATION	$1,502,909.00
FY 2017 CARRYOVER	$128,109.20
TOTAL APPROPRIATION	**$1,631,018.20**

	DESCRIPTION	PO NUMBER	ALLOCATION	COMMITTED	EXPENDITURES	PO BALANCE	UNCOMMITTED
	NPS Admin.		$80,000.00	$0.00	$26,196.84		$53,803.16
*	A.S.K. Task Order - Contract 1966 Implementing CD Document Submittal - CSIMS	29335	$72,000.00	$72,000.00	$0.00	$72,000.00	$0.00
	A.S.K. Task Order - CSIMS Maintenance	29336	$15,000.00	$15,000.00	$0.00	$15,000.00	$0.00
	Conservation Technician Positions	See Below	$105,000.00	$92,738.81	$92,738.81	$0.00	$12,261.19
	Soil Health Workshops	Various	$27,725.00	$0.00	$25,068.11		$2,656.89
	No-Till on the Plains Conference	30155	$22,275.00	$22,275.00	$0.00	$22,275.00	$0.00
	Streambank Projects	Various	$109,894.00	$0.00	$0.00	$0.00	$109,894.00
	TOTAL ADMN		**$431,894.00**	**$202,013.81**	**$144,003.76**	**$109,275.00**	**$178,615.24**

*December Cancellation of Funds to meet Obligation

NPS CSIMS		$1,018,429.02	$588,931.68	$206,642.91		$222,854.43
110 Mile Creek		$10,000.00	$10,000.00	$0.00		$0.00
Coal Creek		$10,000.00	$0.00	$0.00		$10,000.00
Labette Creek		$25,000.00	$0.00	$0.00		$25,000.00
Peat Creek		$15,000.00	$10,000.00	$0.00		$5,000.00
Twin Lakes		$15,000.00	$1,218.12	$13,781.88		$0.00
NPS AFO CSIMS		$50,000.00	$0.00	$0.00		$50,000.00
Wildfire		$128,109.20	$0.00	$0.00		$128,109.20
TOTAL NPS CSIMS		**$1,271,538.22**	**$610,149.80**	**$220,424.79**	**$0.00**	**$440,963.63**
Paybacks		**$414.02**	**$0.00**	**$414.02**		**$0.00**
TOTAL		**$1,703,018.20**	**$812,163.61**	**$364,014.53**	**$109,275.00**	**$619,578.87**

CURRENT FY PO'S - CONSERVATION TECHNICIANS	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
Butler County Conservation District	29148	$10,461.01	$10,461.01	$0.00	
Marshall County Conservation District	29149	$13,155.53	$13,155.53	$0.00	
Bourbon County Conservation District	29150	$12,384.95	$12,384.95	$0.00	
Saline County Conservation District	29152	$11,285.43	$11,285.43	$0.00	
Pottawatomie County Conservation District	29153	$5,274.31	$5,274.31	$0.00	
Jefferson County Conservation District	29154	$10,773.51	$10,773.51	$0.00	
Ness County Conservation District	29156	$5,660.66	$5,660.66	$0.00	
Atchison County Conservation District	29157	$578.56	$578.56	$0.00	
Kiowa County Conservation District	29159	$10,552.40	$10,552.40	$0.00	
Osage County Conservation District	29163	$12,612.45	$12,612.45	$0.00	
TOTAL		**$92,738.81**	**$92,738.81**	**$0.00**	

PRIOR FY PO'S	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED	
FY 2012 TWI-On-Call Engineering - Cottonwood River	5960	$199,157.00	$199,157.00	$0.00	$0.00	
FY 2012 KSU-Forestry	6022	$12,929.52	$10,291.29	$2,638.23	$0.00	
FY 2015 NPS CSIMS	19337	$173,249.75	$0.00	$173,249.75	$0.00	
FY 2016 TWI-On-Call Engineering - SbPP - Cottonwood River - NPS-2016-29	21818	$11,007.18	$11,007.18	$0.00	$0.00	
FY 2016 TWI-On-Call - (SbPP) - Restoration -5-Projects	22667	$86,426.40	$56,176.90	$30,249.50	$0.00	
FY 2016 - KSU - SCC Contract 1751 2-year Ext. of Poultry Litter Nutrient Mgmt.	23119	$80,000.00	$72,000.00	$8,000.00	$0.00	
FY 2016 NPS CSIMS	23692	$209,307.86	$23,960.48	$185,347.38	$0.00	
FY 2017 A.S.K. Associates Inc. - Contract 1884 - Conversion from Oracle to Sequel - CSIMS 2.0 Upgrade	23759	$113,900.00	$19,450.00	$94,450.00	$0.00	
FY 2017 A.S.K. Associates Inc. - Contract 1885 - CSIMS Maintenance	23760	$15,000.00	$14,900.00	$100.00	$0.00	
FY 2017 TWI-Contract SbPP-2017-1-Cottonwood	25366	$2,025.00	$0.00	$2,025.00	$0.00	
FY 2017 Wildhorse Riverworks Inc.-Contract No. SbPP-2017-4	27503	$1,905.00	$0.00	$1,905.00	$0.00	
FY 2017 Wildhorse Riverworks Inc.-Contract No. SbPP-2017-4	27573	$167,510.00	$0.00	$167,510.00	$0.00	
FY 2017 NPS CSIMS	28464	$287,698.69	$56,787.32	$230,923.13	$0.00	11.76 - Morris Co. -Smart ADJ

FY 2018 Aid to Conservation Districts

	FUND 1800-1220
FY 2018 APPROPRIATION	$2,000,000.00
TOTAL APPROPRIATION	**$2,000,000.00**

DESCRIPTION	PO NUMBER	ALLOCATION	COMMITTED	EXPENDITURES	PO BALANCE	UNCOMMITTED
Aid To Conservation Districts		$2,000,000.00	$2,000,000.00	$1,807,254.39	$0.00	$192,745.61
TOTAL		**$2,000,000.00**	**$2,000,000.00**	**$1,807,254.39**	**$0.00**	**$192,745.61**

FY 2018 Conservation Reserve Enhancement Program/WTAP

	FUND 1800-1225
FY 2018 APPROPRIATION	$177,141.00
FY 2017 CARRYOVER	$71,113.91
TOTAL APPROPRIATION	**$248,254.91**

DESCRIPTION	PO NUMBER	ALLOCATION	COMMITTED	EXPENDITURES	PO BALANCE	UNCOMMITTED
CREP Admn (S&W)		$100,066.00	$0.00	$30,656.19		$69,409.81
Advertising & Printing		$1,500.00	$0.00	$0.00		$1,500.00
Other Admin		$200.00	$0.00	$0.00		$200.00
TOTAL ADMIN		**$101,766.00**	**$0.00**	**$30,656.19**		**$71,109.81**
CREP CSIMS		$146,488.91	$44,338.70	$10,864.00	$0.00	$91,286.21
TOTAL WR CSIMS		**$146,488.91**	**$44,338.70**	**$10,864.00**	**$0.00**	**$91,286.21**
*WTAP Projects		$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL WTAP		**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**
TOTAL		**$248,254.91**	**$44,338.70**	**$41,520.19**	**$0.00**	**$206,734.72**

PRIOR FY PO'S	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
FY 17 WR CREP CSIMS	28463	$19,885.00	$19,885.00	$0.00	$0.00

FY 2018 Watershed Dam Construction Program

	FUND 1800-1240
FY 2018 APPROPRIATION	$511,076.00
FY 2017 CARRYOVER	$17,081.20
TOTAL APPROPRIATION	**$528,157.20**

DESCRIPTION		ALLOCATION	COMMITTED	EXPENDITURES	PO BALANCE	UNCOMMITTED
Watershed Dam Construction Program		$528,157.20	$528,157.20	$0.00	$528,157.20	$0.00
TOTAL		**$528,157.20**	**$528,157.20**	**$0.00**	**$528,157.20**	**$0.00**

CURRENT FY PO'S	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
Vermillion Creek Watershed Site SC-1 / Contract 1900	25277	$46,373.56	$0.00	$46,373.56	$0.00
Delaware WJD No. 10 - Site A-36	30167	$12,553.64	$0.00	$12,553.64	$0.00
Switzler WD No. 63 Site 3	30168	$120,000.00	$0.00	$120,000.00	$0.00
Wet Walnut WJD No. 58 Site 145	30197	$69,440.00	$0.00	$69,440.00	$0.00
Pawnee WJD No. 81 Site 5-11	30198	$120,000.00	$0.00	$120,000.00	$0.00
Labette-Hackberry WJD No. 96 Site B-21A	30199	$84,700.00	$0.00	$84,700.00	$0.00
Rock Creek WJD No. 84 Site 205	30200	$75,090.00	$0.00	$75,090.00	$0.00

PRIOR FY'S PO'S	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
FY 2013 Mill Creek 85 WSD - Site 111	6958	$120,000.00	$0.00	$120,000.00	$0.00
FY 2014 Horseshoe Creek WJD 110 - Site 19	11624	$64,600.00	$0.00	$64,600.00	$0.00
FY 2014 Delaware WJD No. 10 - Rehab Site D-3	12795	$35,200.00	$35,200.00	$0.00	$0.00
FY 2016 Upper Marais des Cygnes Watershed Site 124 / Contract 1842	21241	$40,048.00	$40,048.00	$0.00	$0.00
FY 2016 Upper Marais des Cygnes Watershed Site 107 / Contract 1844	21243	$31,904.00	$31,904.00	$0.00	$0.00
FY 2017 Delaware WJD No. 10 - Site C-88 Watershed Dam Rehab - Contract 1893	25272	$22,527.00	$22,527.00	$0.00	$0.00
FY 2017 Wet Walnut Creek WJD 58 - Site 143- Watershed Rehabilitation - Contract 1897	25274	$81,064.00	$0.00	$81,064.00	$0.00
FY 2017 Pawnee WJD 81 - Site 5-3A-Watershed Rehabilitation - Contract 1899	25275	$75,280.00	$0.00	$75,280.00	$0.00
FY 2017 Vermillion Creek WD 7 -Site SC-1 Watershed Rehabilitation - Contract 1900	25277	$73,626.44	$69,945.12	$3,681.32	$0.00
FY 2017 Long-Scott Creeks WD=93-Site I-33 Watershed Rehabilitation - Contract 1896	25278	$112,911.00	$0.00	$112,911.00	$0.00
FY 2017 Little Delaware-Mission Creeks Watershed Joint District -Site 4 - Watershed Rehab - Contract 1898	25279	$52,368.00	$45,747.65	$0.00	$6,620.35

FY 2018 Water Quality Buffer Initiative Program

	FUND 1800-1250
FY 2018 APPROPRIATION	$88,662.00
FY 2017 CARRYOVER	$177,007.84
TOTAL APPROPRIATION	**$265,669.84**

DESCRIPTION	PO NUMBER	ALLOCATION	COMMITTED	EXPENDITURES	PO BALANCE	UNCOMMITTED
BUF CSIMS		$88,662.00	$0.00	$0.00		$88,662.00
FY 2017 Carry Over Funds		$177,007.84	$0.00	$0.00		$177,007.84
TOTAL		**$265,669.84**	**$0.00**	**$0.00**		**$265,669.84**

FY 2018 Riparian & Wetland Protection Program

	FUND 1800-1260	
FY 2018 APPROPRIATION	$135,343.00	
FY 2017 CARRYOVER	$281,514.70	202.70 - R & W + $281,312 - Lake Restoration
TOTAL APPROPRIATION	**$416,857.70**	

DESCRIPTION	PO NUMBER	ALLOCATION	COMMITTED	EXPENDITURES	PO BALANCE	UNCOMMITTED
Admn - Stream Trailer		$1,500.00	$0.00	$150.00	$0.00	$1,350.00
Unallocated		$114,045.70	$0.00	$0.00	$0.00	$114,045.70
CSIMS - RW		$20,000.00	$100.00	$0.00	$0.00	$19,900.00
Nutrient & Sediment Initiative		$281,312.00	$0.00	$0.00	$0.00	$281,312.00
TOTAL ADMN		**$416,857.70**	**$100.00**	**$150.00**	**$0.00**	**$416,607.70**

PRIOR FY'S PO'S	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
FY 2012 TWI-On-Call - Cottonwood Reach II	24628	$197,013.00	$164,756.75	$32,256.25	$0.00
FY 2012 KSU/KFS-SbPP Buffer Maintenance Contract No. RW-TSP-2011-01	4378	$4,800.00	$2,463.00	$2,337.00	$0.00
FY 2012 KSU/KFS Delaware Tree Planting	5947	$27,497.71	$24,411.86	$3,085.85	$0.00
FY 2013 KSU / KFS Riparian Forest Buffer	10084	$97,745.87	$96,699.66	$1,046.21	$0.00
FY 2014 KSU/KFS SbPP Buffer Maintenance Contract No. - RW-KSU/KFS-2014-04	14651	$24,153.40	$22,362.97	$1,790.43	$0.00
FY 2014 KSU/KFS SbPP Buffer Maintenance Contract No. - RW-KSU/KFS-2014-01	14686	$50,976.70	$42,121.31	$8,855.39	$0.00
FY 2014 KSU/KFS SbPP Buffer Maintenance Contract No. - RW-KSU/KFS-2014-02	14687	$17,171.51	$13,699.20	$3,472.31	$0.00
FY 2014 KSU/KFS SbPP Buffer Maintenance Contract No. - RW - KSU/KFS-2014-03	14688	$78,060.73	$38,175.91	$39,884.82	$0.00
FY 2015 KSU/KFS-SbPP Buffer Maintenance Contract No. RW-KSU/KFS-2015-01	24035	$105,713.36	$38,295.34	$67,418.02	$0.00
FY 2016 KSU /KFS SbPP Buffer Main. Contract 1880 *1 Rip. Forest Buffer Main. X	23508	$26,592.86	$3,488.20	$23,104.66	$0.00
FY 2016 KSU /KFS SbPP For. Task Order 2 Rip. Forest Buffer Main. XI Con. 1880	23509	$41,398.30	$5,326.36	$36,071.94	$0.00
FY 2016 KSU / KFS SbPP Forestry Contract 1880 Riparian Forest Buffer Maint XII	23510	$50,990.68	$3,008.85	$47,981.83	$0.00
FY 2017 Cheyenne County - South Fork Republic River Restoration	26424	$25,000.00	$0.00	$25,000.00	$0.00
FY 2017 Contract 1914 RW KSU/KFS-2017-01 Riparian Forest Buffer Restoration - XIII	26447	$46,380.66	$827.41	$45,553.25	$0.00
FY 2017 Contract 1914 RW KSU/KFS-2017-01 Riparian Forest Buffer Restoration - XIV	26447	$68,074.74	$0.00	$68,074.74	$0.00
FY 2017 RW CSIMS	28462	$4,423.20	$864.00	$3,559.20	$0.00

FY 2018 Lake/Water Supply Restoration Program

	FUND 1800-1275
FY 2018 APPROPRIATION	$0.00
FY 2017 CARRYOVER	$0.00
TOTAL APPROPRIATION	**$0.00**

DESCRIPTION	PO NUMBER	ALLOCATION	COMMITTED	EXPENDITURE	PO BALANCE	UNCOMMITTED
Lake / Water Supply Restoration Program		$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL		**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**

FY 2018 Streambank Stabilization

	FUND 1800-1290
FY 2018 APPROPRIATION	$0.00
Carry Forward	$0.00
TOTAL APPROPRIATION	**$0.00**

DESCRIPTION	PO NUMBER	ALLOCATION	COMMITTED	EXPENDITURES	PO BALANCE	UNCOMMITTED
FY 2015 Glacial Hills RC & D - Sreambank Stabilization	18540	$661,404.65	$661,404.65	$226,225.21	$435,179.44	$0.00
TOTAL Streambank Stabilization		**$661,404.65**	**$661,404.65**	**$226,225.21**	**$435,179.44**	**$0.00**

FY 2018 Agricultural Liming Materials Fee Fund

FUND
2118-1200

DESCRIPTION	PO NUMBER	CASH BEGINNING BALANCE	DEPOSITS	EXPENDITURES	PO BALANCE	UNCOMMITTED
Agricultural Liming Materials Fee Fund		$22,916.36	$24,269.95	$7,738.41	$15,000.00	$24,447.90
TOTAL		**$22,916.36**	**$24,269.95**	**$7,738.41**	**$15,000.00**	**$24,447.90**

Current FY PO's	PO NUMBER	Committed	Expenditures	PO Balance	Cancelled
A.S.K. Associates Inc. - Contract 1968 - RALIS Maintenance	29937	$15,000.00	$0.00	$15,000.00	$0.00

FY 2018 Land Reclamation Fee Fund

FUND
2542-2090

DESCRIPTION	PO NUMBER	CASH BEGINNING BALANCE	DEPOSITS	EXPENDITURES	PO BALANCE	UNCOMMITTED
Land Reclamation Fee Fund		$37,389.00	$28,268.59	$17,779.04	$89,400.00	**-$41,521.45**
TOTAL		**$37,389.00**	**$28,268.59**	**$17,779.04**	**$89,400.00**	**-$41,521.45**

Current FY PO's	PO NUMBER	COMMITTED	EXPENDITURES	PO BALANCE	CANCELLED
A.S.K. Associates Inc. - Contract 1968 - RALIS Maintenance	29337	$15,000.00	$0.00	$15,000.00	$0.00

PRIOR FY PO'S	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
FY 2016 A.S.K. LR Contract 1877 - Online Reclamation License Application	23232	$76,200.00	$1,800.00	$74,400.00	$0.00

Fiscal Year 2018 Transfers from Other State Agencies

FUND
2517-2510

DESCRIPTION	PO Number	RESOURCES RECEIVED	COMMITTED	EXPENDITURES	PO BALANCE	UNCOMMITTED	
FY 2018 Conservation Technicians - KDWPT	Various	$0.00	$75,000.00	$75,000.00	$0.00	-$71,728.18	*
FY 2018 Conservation Technicians - KDHE	Various	$183,485.12	$116,404.98	$116,404.98	$0.00	$69,261.36	**
Streambank - Tuttle Creek - KWO		$201,235.45	$25,433.40	$0.00	$25,433.40	$175,802.05	
KWO - SbPP - Cottonwood		$1,000,000.00	$0.00	$0.00	$0.00	$1,000,000.00	
FY 2017 Streambank Tuttle Creek - KWO / FHRCD		$23,022.09	$7,229.07	$0.00	$7,229.07	$15,793.02	
TOTAL		**$1,407,742.66**	**$224,067.45**	**$191,404.98**	**$32,662.47**	**$1,189,128.25**	

Includes Conservation Technician $5,453.04 payback(*3271.82 **$2,181.22)

CURRENT FY PO'S	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
Butler County CD - Tech. Pos. - KDWPT	29148	$8,266.00	$8,266.00	$0.00	$0.00
Marshall County CD - Tech. Pos. - KDWPT	29149	$8,266.00	$8,266.00	$0.00	$0.00
Bourbon County CD - Tech. Pos. - KDWPT	29150	$8,266.00	$8,266.00	$0.00	$0.00
Saline County CD - Tech. Pos. - KDWPT	29152	$8,266.00	$8,266.00	$0.00	$0.00
Pottawatomie County CD - Tech. Pos. - KDWPT	29153	$8,266.00	$8,266.00	$0.00	$0.00
Jefferson County CD - Tech. Pos. - KDWPT	29154	$8,266.00	$8,266.00	$0.00	$0.00
Ness County CD - Tech. Pos. - KDWPT	29156	$8,266.00	$8,266.00	$0.00	$0.00
Atchison County CD - Tech. Pos. - KDWPT	29157	$5.18	$5.18	$0.00	$0.00
Kiowa County CD - Tech. Pos. - KDWPT	29159	$8,266.00	$8,266.00	$0.00	$0.00
Wilson County CD - Tech. Pos. - KDWPT	29160	$600.82	$600.82	$0.00	$0.00
Osage County CD - Tech. Pos. - KDWPT	29163	$8,266.00	$8,266.00	$0.00	$0.00
Butler County CD - Tech. Pos. - KDHE	29148	$5,000.00	$5,000.00	$0.00	$0.00
Marshall County Conservation District - Conservation Technician - KDHE	29149	$5,000.00	$5,000.00	$0.00	$0.00
Bourbon County Conservation District - Conservation Technician - KDHE	29150	$5,000.00	$5,000.00	$0.00	$0.00
Douglas County Conservation District - Conservation Technician - KDHE - WRAPS	29151	$12,884.71	$12,884.71	$0.00	$0.00
Saline County Conservation District - Conservation Technician - KDHE	29152	$5,000.00	$5,000.00	$0.00	$0.00
Pottawatomie County Conservation District - Conservation Technician - KDHE	29153	$5,000.00	$5,000.00	$0.00	$0.00
Jefferson County Conservation District - Conservation Technician - KDHE	29154	$5,000.00	$5,000.00	$0.00	$0.00
Jackson County Conservation District - Conservation Technician - KDHE - WRAPS	29155	$22,483.74	$22,483.74	$0.00	$0.00
Ness County Conservation District - Conservation Technician - KDHE	29156	$5,000.00	$5,000.00	$0.00	$0.00
Phillips County Conservation District - Conservation Technician - KDHE - WRAPS	29158	$24,654.67	$24,654.67	$0.00	$0.00
Kiowa County Conservation District - Conservation Technician - KDHE	29159	$5,000.00	$5,000.00	$0.00	$0.00
Wilson County Conservation District - Conservation Technician - KDHE	29160	$5,000.00	$5,000.00	$0.00	$0.00
McPherson County Conservation District - Conservation Technician - KDHE - WRAPS	29161	$6,381.86	$6,381.86	$0.00	$0.00
Osage County Conservation District - Conservation Technician - KDHE	29163	$5,000.00	$5,000.00	$0.00	$0.00
KSU - KDA Contract 1931 - Eval. SbPP Performance - Tuttle	28271	$23,808.40	$0.00	$23,808.40	$0.00
Watershed Institure - SbPP -Cottonwood - On Call Engineering - Site No. 62-65	29598	$7,229.07	$0.00	$7,229.07	$0.00
Wildhorse River Works - SbPP - Tuttle Creek Petr - BBR-2	30137	$1,625.00	$0.00	$1,625.00	$0.00

PRIOR FY PO's	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
FY 2016 - Wildhorse River Works - Tuttle Creek - 6 Projects	22775	$109,050.00	$68,100.00	$40,950.00	$0.00
FY 2017 Watershed Institute - SbPP-2017-6 - Cottonwood	28097	$13,587.61	$0.00	$13,587.61	$0.00
FY 2017 Wildhorse River Works Inc. - SbPP	27502	$126,650.00	$0.00	$126,650.00	$0.00
FY 2017 Jueneman Excavation Inc. - Tuttle - Sites BBR-30 and BBR-43 - EVT0005031	28335	$240,978.55	$0.00	$240,978.55	$0.00
FY 2017 Orval Jueneman Dozer Services Inc. - SbPP - Tuttle - Sites LBR-24 and BBR-51 - EVT0005031	28336	$122,086.00	$0.00	$122,086.00	$0.00

FY 2018 Transfers from Federal Agencies

Fund
3917-3825

DESCRIPTION	PO NUMBER	CASH BEGINNING BALANCE	DEPOSITS	PO BALANCE	EXPENDITURES	UNCOMMITTED
Conservation Technicians	Various	$13,777.94	$25,442.37	$362,930.51	$27,410.77	**-$345,667.92**
TOTAL		**$13,777.94**	**$25,442.37**	**$362,930.51**	**$27,410.77**	**-$345,667.92**

*Includes $5,453.05 payback

CURRENT FY PO'S

Name	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
Butler County Conservation Dsitrict - Conservation Technician	29148	$26,784.50	$1,750.00	$25,034.50	$0.00
Marshall County Conservation District - Conservation Technician	29149	$28,232.12	$1,750.00	$26,482.12	$0.00
Bourbon County Conservation District - Conservation Technician	29150	$28,955.34	$1,750.00	$27,205.34	$0.00
Douglas County Conservation District - Conservation Technician	29151	$22,483.74	$1,750.00	$20,733.74	$0.00
Saline County Conservation District - Conservation Technician	29152	$24,551.42	$1,750.00	$22,801.42	$0.00
Pottawatomie County Conservation District - Conservation Technician	29153	$24,551.43	$1,750.01	$22,801.42	$0.00
Jefferson County Conservation District - Conservation Technician	29154	$28,955.34	$1,750.00	$27,205.34	$0.00
Jackson County Conservation District - Conservation Technician	29155	$22,483.74	$1,750.00	$20,733.74	$0.00
Ness County Conservation District - Conservation Technician	29156	$28,508.31	$2,750.01	$25,758.30	$0.00
Atchison County Conservation District - Conservation Technician	29157	$22,483.74	$1,910.71	$20,573.03	$0.00
Phillips County Conservation District - Conservation Technician	29158	$27,508.31	$1,750.01	$25,758.30	$0.00
Kiowa County Conservation District - Conservation Technician	29159	$28,232.12	$1,750.00	$26,482.12	$0.00
Wilson County Conservation District - Conservation Technician	29160	$24,551.43	$1,750.01	$22,801.42	$0.00
McPherson County Conservation District - Conservation Technician	29161	$24,551.43	$1,750.01	$22,801.42	$0.00
Osage County Conservation District - Conservation Technician	29163	$27,508.31	$1,750.01	$25,758.30	$0.00

FY 2018 Watershed Protection

FUND
3889-3880

DESCRIPTION	PO NUMBER	CASH BEGINNING BALANCE	DEPOSITS	Encumbered	EXPENDITURES	PO BALANCE	UNCOMMITTED
Indirect EPA 319 Funds - KDHE - Streambank		$135,927.04	$0.00	$0.00	$0.00	$0.00	$135,927.04
TOTAL		**$135,927.04**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$135,927.04**

	PO NUMBER	FY 18 CARRY FORWARD FUNDS	ALLOCATION	COMMITTED	EXPENDITURES	UNCOMMITTED
KDHE - WRAPS - CSIMS		$4,530.00	$0.00	$0.00	$0.00	$4,530.00
TOTAL - KDHE - WRAPS - CSIMS		**$4,530.00**	**$0.00**	**$0.00**	**$0.00**	**$4,530.00**

Prior FY PO's	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
FY 2016 - WR - WRAPS - CSIMS	23696	$26,733.55	$840.00	$25,893.55	$9,985.35

CURRENT FY PO's	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
Wildhorse Riverworks-Site No. BBR-30-OS Contract No. SBPP-2017-3	25807	$3,109.00	$0.00	$3,109.00	$0.00

FY 2018 Watershed Districts Cost-Share

FUND
7305-7000

DESCRIPTION	CASH BEGINNING BALANCE	DEPOSITS	ALLOCATION	COMMITTED	EXPENDITURES	PO BALANCE	UNCOMMITTED
Cherry Plum Creek Watershed District No. 17	$40,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	$40,000.00
Cedar Creek Watershed District No. 97	$24,102.40	$0.00	$0.00	$5,000.00	$0.00	$0.00	$19,102.40
TOTAL	**$64,102.40**	**$0.00**	**$0.00**	**$5,000.00**	**$0.00**	**$0.00**	$59,102.40

Prior FY PO's	PO NUMBER	ENCUMBERED	EXPENDITURES	PO BALANCE	CANCELLED
FY 2017 Cedar Creek Watershed District No. 97	28461	$3,535.70	$3,504.42	$31.28	$0.00

Kansas Department of Agriculture, Division of Conservation

SCC FY2018 Financial Report – DOC ending cash balances as of October 31, 2017

SWP Funds	FY2017 Allocations	FY2018 Appropriations	FY2018 Allocations w/ CF	Expenditures	Balance	[Commitments]
Aid to Cons. Districts	$2,092,637	$2,000,000	$2,000,000	$1,807,254	$192,746	$192,746
						Un-C: $0
Water Resources						
Administration (6%)	$127,359		$108,504	$73,463	$35,041	$0
Cost-Share	$1,728,099		$1,377,703	$135,992	$1,241,711	$956,699
TMDLs / Other	$130,280		$311,161	$22,881	$288,280	$81,073
CSIMS Software	$128,900		$87,000	$0	$87,000	$87,000
Paybacks	[$8,027]		[$3,959]	$-3,959	$0	$0
Total WR	$2,122,665	$1,727,387	$1,880,409	$228,377	$1,652,032	$1,124,772
						Un-C: $527,260
Non-Point Source						
Cost-Share	$1,282,928		$1,018,429	$206,643	$811,786	$588,931
TMDLs / AFO	$52,724		$125,000	$13,781	$111,219	$21,218
CSIMS Software	$128,900		$87,000	$0	$87,000	$87,000
Wildfire			$128,109	$0	$128,109	$0
Conservation Techs	$92,207		$105,000	$92,739	$12,262	$0
NOTOP / Soil Health	$52,500		$50,000	$25,068	$24,932	$22,275
Streambank Protection	$309,069		$109,894	$0	$109,894	$0
Admin / Paybacks	$76,336		$79,586	$25,783	$53,803	$53,803
Total NPS	$1,994,664	$1,502,909	$1,703,018	$364,014	$1,339,004	$773,227
						Un-C: $565,777
Watershed Dam Const.	$576,434	$511,076	$528,157	$0	$528,157	$528,157
						Un-C: $0
Water Supply Restoration	$281,312	$0	$0	$0	$0	$0
						Un-C: $0
WQ Buffer Initiative	$356,901	$88,602	$265,669	$0	$265,669	$265,669
						Un-C: $0
Riparian & Wetland	$159,094	$135,343	($281,312 WSR) $416,857	$150	$416,707	$100
						Un-C: $416,607
WTAP / CREP	$249,685	$177,141	$248,254	$41,520	$206,734	$113,748
						Un-C: $92,986
TOTAL	**$7,833,392**	**$6,142,458**	**$7,042,364**	**$2,441,315**	**$4,529,049**	**$2,998,419**
						Un-C: $1,602,630

Fee Funds	FY2017 Actuals	FY2018 Start Cash Balance	Deposits	Expenditures	Balance	[Commitments]
Land Reclamation		$37,389	$28,268	$17,779	$47,878	$89,400
						Un-C: -$41,522
Ag Liming		$22,916	$24,269	$7,738	$39,447	$15,000
						Un-C: $24,447
TOTAL		$60,305	$52,537	$25,517	$87,325	$104,400
						Un-C: -$17,075

Fiscal Notes:

1. The Mined Land Reclamation Program receives its annual revenues of approximately $123,000 from a combination of

   a) license fees totaling about $9,000 which are collected in the October – December time frame; and

   b) site registration & tonnage fees totaling about $114,000 which are collected April - May.

2. The Agricultural Liming Materials Program receives its annual revenues of approximately $33,000 from site registration & tonnage fees collected in the June – July time frame.

Land Reclamation

Annual Mine Report & Site Registration Renewal – due April 1
Tons sold / consumed per year x $.003 + $45 per new acre affected OR
$45 minimum

License to Mine – due December 1
License fee is dependent on tonnage reported on the Annual Mine Report
0-9,999 tons = $25.00
10,000-99,999 tons = $50
100,000-499,999 = $100
500,000 + = $150

Ag Lime

Quarry Registration Renewal – June 30
$25 per quarry

Annual Tonnage Report & Inspection – July 31
$.05 per ton

Attachment D

State Cost-Share Contract Cancellation Policy Review

November 2017

Issue: Some conservation districts are requiring a deposit fee, or penalty fee, agreement on state cost-share contracts as a method to discourage landowners from allowing them to expire without a good faith effort or a justifiable extension.

Districts have adopted this deposit fee requirement as a deterrent to landowners who repeatedly sign up for cost-share contracts but never complete them, for various reasons. The districts' concerns are that these funds could have been allocated to other landowners for projects which, even though they might rank lower, would still have been completed and provided a conservation benefit on the ground. This approach may also be more preferable than allocations being unnecessarily carried forward from year to year.

If the deposit fee is forfeited by the landowner for an uncompleted contract, the districts use these funds to offset their administrative costs and/or to supplement other program revenues. Since the original source of the money is state appropriation funding, an issue exists as to 1) whether the practice is allowed by state law and 2) if so, the legal purpose for which these collected deposit fees can be used.

Audience: Initially - DOC Staff, SCC Commissioners
Later - Conservation Districts

Current Policy: DOC currently has no state-wide policy which adequately addresses this issue.

Legal Authority: In K.S.A. 2-1908, our conservation district law provides that districts are authorized, as follows:

> **(d)** to cooperate, or enter into agreements with, and within the limitations of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any occupier of lands within the district, in the carrying on of erosion-control flood prevention and water management operations within the district, **subject to such conditions as the supervisors may deem necessary to advance the purposes of this act**; and
>
> **(j) as a condition to the extending of any benefits under this act, to or the performance of work upon, any lands** not owned or controlled by this state or any of its agencies, the **supervisors may require contributions in money**, services, materials, or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

*Legal authority for other municipalities with deposit fees are specifically set forth in state statutes with implementing rules, but do not seem to apply to this issue – i.e. deposits for municipal utilities (these deposits and their rules are specifically laid out in statute), and for Kansas Open Records Act requests (where agencies can collect a fee in advance, but they are charging for actual work as allowed by statute). However, neither example is very applicable because both acts have specific rules in place for how to make charges and how to deposit the money after it is collected.

Discussion / History:

1. Should there be a policy implemented to maintain statewide consistency and to insure legality for districts which choose to require and collect cost-share contract deposit fees?

2. KDA's Chief Legal Counsel has provided the following evaluation and recommendations in regard to how this deposit fee issue currently comports with conservation district law:

> I think subsection (d) on its own probably allows the deposit because it has such an obvious benefit in advancing conservation purposes. However, I do have a few concerns. I'm not sure (d) envisioned the collection of fees like this because it doesn't mention money nor does the conservation law provide any guidance on what to do with money collected in this way. (The concern is someone might accuse the local district of actually assessing a penalty, which they aren't authorized to do or otherwise spending money that they aren't authorized to spend on something.) I am comfortable making a legal argument to justify the deposit as it is set up now, but if you could get the local districts to make the changes outlined below, I believe we could easily rely on both (d) and (j) to justify the collection of the deposit and the forfeiture of the deposit if no work is done. The way it is done now, I don't think we could rely on (j) because it's not clear the money was for the project. I'd propose that:
>
> 1) Every local district should call these the same thing. "Contract Deposit" is fine with me.
>
> 2) The language that each local district uses about the forfeiture of funds should be the same, and I believe would be made stronger if an explanation of how the forfeit money would be used in relation to the work already related to the project was included (to provide support that (j) also gives use authority to do this):
>
> "If the conservation work is not completed, the deposit *shall be forfeited by the applicant and used to pay all costs incurred by the Conservation District related to this project, and otherwise for the advancement of the purposes of the Conservation Districts Law.*" (related costs could justifiably include all administrative costs on the abandoned project and in selecting a new applicant for the funds, etc.)
>
> This may require a further conversation about the appropriate % or set fee based on actual costs.

Fiscal Impact: There is no anticipated negative fiscal impact to DOC of implementing a statewide policy regarding district deposit fees for cancelled cost-share contracts – a positive impact may be realized from carry forward of unspent funds being minimized.

There is no anticipated negative fiscal impact to conservation districts requiring these deposit fees insofar as the funds being collected are being used to reimburse costs relevant to state cost-share contract administration. (Districts may act separately in regard to cost-share contracts originating from county appropriation funding).

There is an anticipated negative fiscal impact to landowners who do not complete approved cost-share contracts. Other landowners who later receive the benefit from implementation of a deterrent policy of this type may be affected positively by acquiring more cost-share dollars than they would have otherwise.

Unintended Effects: Some landowners might be deterred from applying for cost-share contracts.

Feasibility / Equity / Political Considerations: Implementation of a standardized policy framework for administration of state dollars should be viewed favorably as a good business practice.

Supporting Documents: Thomas & Cherokee counties CD cost-share cancellation agreements

Outcome Examples:

SCC Policy Statement

"It is the policy of the State Conservation Commission that if conservation work is not completed under the terms of a state cost-share contract within acceptable guidelines as established by the local board of supervisors, a deposit shall be forfeited by the applicant and used to pay all costs incurred by the conservation district related to the project, and otherwise for the advancement of the purposes of Kansas conservation district law. Every conservation district adopting such a landowner contract to ensure the implementation of approved state-cost share funds in a timely manner shall utilize the term "contract cancellation fee deposit" to describe the agreement.

Text for Kansas Conservation District Handbook, Chapter 5 (Financial Management)

Special Revenue Funds – to account for the proceeds of specific revenue sources that are restricted by law or administrative action to expenditure for specific purposes, e.g. a grant.

State Cost-Contract Termination Fee Agreements:

Districts may enter into agreements with landowners for the approval of state cost-share contracts which involve the collection of deposits and charging of a contract termination fee under the following guidelines:

1. Districts are not authorized to assess an after-the-fact penalty for uncompleted projects, but they may accept deposits to be held in trust for the landowner to secure final completion of the project in accord with the terms of the cost-share contract;

2. A deposit not to exceed 20% of the total amount allocated for the project may be required upon the approval / signing of a contract. The board my implement other total dollar minimum and maximum deposit limits;

3. Contract termination fees should be deposited to a special revenue fund and if the deposit fee is returned after successful completion of a contract, the reimbursement should be made out of the same account;

4. All deposit funds collected for termination of contracts should be accounted for as a special revenue source and may only be expended by a district to offset its costs incurred from the administration of processing the contract;

5. The board of supervisors should establish a profile of acceptable reasons and conditions for which the termination fee will be waived, e.g.
    a. extensions requested and granted prior to the contract expiration date;
    b. the landowner voluntarily requests a contract cancellation within 60 days of the expiration date; and
    c. an error by the district requires the termination of a contract; and

6. Before terminating any state cost-share contract, the Board of Supervisors will review the reason for termination and a deposit fee should only be retained after a formal action of the board of supervisors.

DOC Cost-Share Contract Cancellation / Deposit / Fees Survey – November 15, 2017

Overall Results; 94 Responses:

1. Has your district adopted a policy which requires a deposit or assesses a fee for cancelled contracts? **YES: 8 NO: 86**
2. If yes, what year was the policy adopted? **1999, 2009, 2010, 2012, 2013, Don't Know: 3**
3. If yes, what type of cancellation policy does your district have? **Pre-Paid Deposit: 3 Fee Charged to Landowner after Cancellation: 3 Other : 2**
3. How is the price of the deposit or fee determined (i.e. flat rate, percentage, etc.) **Percentage: 2 10 % of the contract up to $350, but no less than $100: 2 20% of the contract, maximum of $700:1**
5. Does the policy identify valid reasons for landowners to be exempted from the deposit withholding or penalty fee? **YES: 7 NO: 1**
6. If so, has the policy been successful in deterring landowners from cancelling cost-share contracts without justifiable reasons as provided in the policy? **YES: 7 NO: 1**
7. If so, what was the estimated annual average number of cancelled contracts before the policy was implemented? **0, 1-4, 2-4, 3, 4-5, 6**
8. If so, what was the estimated annual average number of cancelled contracts after the policy was implemented? **0, 0-1, 0-1, 1-2, 2, 2, 1**
9. If your county doesn't currently have a policy in effect, is your county aware that this is a possibility? **YES: 11 NO: 83**
10. If your county doesn't currently have a policy in effect, would there been an interest in implementing one? **YES: 16 NO: 18 MAYBE: 60**

Please provide additional comments below:
We have implemented a 120 day completion deadline, which has worked well. We still have last minute cancellations, but not many.
We do not have that policy - not sure it is a good idea???
In our county, most of the cost-share -- contracts are canceled for "terraces". Reason being::: EQIP Funds are now available, they pay at a "higher rate". I DON'T think that having a "cancellation fee", would probably be in our best interest in our county. Everyone wants to save as much money as they can. We are happy to "assist landowners" each year that really want the (State of Kansas Funds). I do not like "cancellations", but it can't be helped!!!!!!!!
[[Don't know if a "FEE" would be something that my board wishes to put into place.]]
Would need to address the board with the final question but would want more information first. My initial thought is no.
Did not know anything about this until this past spring when Thomas County sent the email. Would be something for local board to discuss IF it is approved for us to have such a policy. Questions 5&6 were answered NO because it would not let me not answer, should have been N/A since we do not have a policy.
Questions: Where in the State Cost-Share Programs Manual does it indicate that this is an option? Where in the Financial Guidelines concerning Operations and Enterprise accounts does it allow for district's to receive income from the cancellation of a State contract in which the district is not listed on the contract? How does an auditor view this in their yearly audit report? District income is a result of services provided. What service was provided that justifies income outside what the district employee normally does with State Cost-Share contracts? Is this type of policy acceptable under District Law? Provide guidance.
The legality of requesting a "cancellation fee" would need to be researched, in my opinion. At that time, if it were legal and acceptable, the decision would rest upon the District Board of Supervisors and not solely a decision to be made by the District Manager.
If an applicant cancels a contract too late for us to re-allocate funds to a new contract, they are docked 25 points on the ranking worksheet for three years.
The board has never discussed a fee for cancelling a contract. I am not sure if the board would implement a cancellation fee or not. We don't have that many cancelled contracts. We have a 180 day completion deadline which allows for those contracts to be extended in case of bad weather.
I think that this is a great idea as we have had some people neglect telling us that they decided not to do the project after they were awarded the contract.
My personal input would be that it would be an accounting nightmare to keep track of and what about weather issues and contractor availability --- believe you would get a lot of what if questions.
Supervisor Lukert mentioned it at their October meeting, but I believe he indicated that it was not legal. If it is legal, the board would consider it.
I have had issues consistently with one or two landowners. I would suggest to the board that we do something like this and come up with giving them one chance without the fee (and give the reasons),but not two. I don't like the idea of encumbering contracts.
District Mgr overheard a bit from a casual conversation, regarding a deposit.policy within another county. / It is on the next board meeting agenda to so the local board members are aware.
I will present this to my board
I would question charging on ethical grounds we do dock points in ranking if a producer/owner cancels twice.
I am not aware of the policy and where is it located in the Programs Manual. We will be looking into to it.
We just had the first contract cancellation that I know of. It was NPS, which we hadn't had any contracts for in about 14 years. We have so little WR funding that we fund very few WR contracts, so the people who get funded seem anxious to do them, and we've never had any cancellations that I know of. I would have to ask the board if they want to implement a policy.
like the idea, however we are not sure if it is ideal for our area, would this be for all programs?

Results from 8 responses indicating adoption of some type of cancellation policy:

Please select your county	Has your district adopted a policy which requires a deposit or assesses a fee for cancelled contracts?	If yes, what type of cancellation policy does your district have?	How is the price of the deposit or fee determined (i.e. flat rate, percentage, etc.)?	What year was the policy implemented?	Does the policy identify valid reasons for landowners to be exempted from the deposit withholding or penalty fee?	If so, has the policy been successful in deterring landowners from cancelling cost-share contracts without justifiable reasons as provided in the policy?	If so, what was the estimated annual average number of cancelled contracts before the policy was implemented?	If so, what was the estimated annual average number of cancelled contracts after the policy was implemented?	Would you be willing to share your district's policy with the State Conservation Commission?	If your county doesn't currently have a policy in effect, is your county aware that this is a possibility?	If your county doesn't currently have a policy in effect, would there been an interest in implementing one?	Please provide additional comments below:
Smith	Yes	Other	20% of the amount of the contract. We have a $3,500.00 landowner limit so the max deposit is $700.00	It was before i started but i will guess about 10 years ago.	No	Yes	I do not know that answer. Before my time.	We had our first deposit forfeit this year.	Yes	N/A	Yes	We give the landowner until the end of December to complete the contract with out a deposit required. That gives them time to complete a contract. We send out a letter in December telling them that a deposit will be required to continue the contract or we will cancel the contract the first of January. They are given a choice to continue the contract by paying the deposit or having the contract cancelled. As I understand, the reason behind the deposit requirement, the board was tired of having landowners back out of contracts when the money had to be returned to the state. The deposit have the landowner ownership of the contract to get the job finished and if they cancelled the contract in December the district had a chance to find another contract to fund keeping the money in the district. The contract policy was started to keep all of the money in the district and not return as much to the state. It seems to work. Jim Sweat, District Manager
Thomas	Yes	Pre-paid landowner deposit	10% of the Contract	2012	No	Yes	3	1 or none	Yes	N/A	Yes	
Smith	Yes	Pre-paid landowner deposit	percentage	I think around 2013	Yes	Yes	1-4	0-1	Yes	N/A	Yes	i think it is a good tool and we haven't had any negative feedback from it
Smith	Yes	Fee charged to landowner after cancellation	percentage		Yes	Yes			Yes	N/A	Maybe	
Pawnee	Yes	Other	cancellation of contract if not completed within 90 days from signing - extensions may be granted	2009	Yes	Yes	4-5	1-2	Yes	N/A	Maybe	Our policy is the contract will be cancelled if not completed within 90 days from signing. Obviously some practices such as windbreak/shelterbelt are spring so are not included. We do extend with good cause. They must contact me and advise me why they need An extension - then the Board is advised. We extend for good reasons such as weather, contractor availablility. We do not extend just because they haven't had "Time" Also – if they cancel or are cancelled – and we cannot get the funds used – they can not re-apply for 2 years for the same practice. This seems to be working for us fairly well. 2016 is the first year we had to encumber since I've been here, and all 3 contracts were due to weather
Cherokee	Yes	Fee charged to landowner after cancellation	10% of total allocation for the contract	2010	Yes	Yes	6	2	Yes	N/A	Yes	When we started our policy I also increased the number of calls to the landowner checking on project progress - I think being in contact with the landowners or operators on a regular, 'business/social', basis is the key to the success of our policy.
Sedgwick	Yes	Pre-paid landowner deposit	10%	May 1999	Yes	Yes	2 to 4 per year	Only 2 since implemented in 1999	Yes	N/A	Yes	We have a policy, but the last question does not address a N/A answer
10/11/2017 14:10:15	Yes	Fee charged to landowner after cancellation	10% up to $350. but no less than $100.	I'm not sure. It was in affect when I came into the job.	Yes	No	I really have no idea	I haven't had any that we have had to collect on since I've been here.	Yes	N/A	Yes	I've only been in the job 10mos and have not had to collect on any of these agreements yet. I really can't say if it was a problem in the past or how much of a deterrent it has been.

TENTATIVE
2018 SCC Spring Workshop Dates & Locations

DATE	LOCATION
March 6, 2018	AREA III Prairieland Partners 2401 E Northview Road McPherson
March 7, 2018	AREA II KSU Research Facility 4500 E Mary St Garden City
March 8, 2018	AREA I Buffalo Bill Cultural Center 3083 US Hwy 83 Oakley
March 14, 2018	AREA V Old Iron Club 10392 Jade Road Fredonia
March 15, 2018	AREA IV Kansas Department of Agriculture 1320 Research Park Drive, Room 124 Manhattan

Attachment F

Kansas Legislative Research Department October 30, 2017

REVISED
TENTATIVE
AGENDA*

SPECIAL COMMITTEE ON NATURAL RESOURCES

October 31, 2017

Tuesday, October 31
Morning Session
Room 548-S—Statehouse

9:00 a.m.	Welcome and Introductions
9:15 a.m.	Staff Overview of Committee Charge • Heather O'Hara, Principal Research Analyst, Kansas Legislative Research Department
9:30 a.m.	Presentation on Kansas Water Law and Water Rights • Burke W. Griggs, Associate Professor of Law, Washburn University
10:45 a.m.	Presentations by State Agencies • Representative, Kansas Water Office • John Mitchell, Director, Division of Environment, Kansas Department of Health and Environment
12:00 p.m.	Lunch

Afternoon Session

1:00 p.m.	Presentations by Organizations and Stakeholders • Edward Martinko, Director, Kansas Biological Survey • Rolfe Mandel, Director and State Geologist, and Jim Butler, Senior Scientist, Kansas Geological Survey • Dan Devlin, Director, Kansas Water Resources Institute • Kent Askren, Director of Public Policy, Kansas Farm Bureau • Thad Holcombe, Water Advocacy Team • Aaron Popelka, Vice President of Legal and Government Affairs, Kansas Livestock Association • Erik Sartorius, Executive Director, League of Kansas Municipalities
4:00 p.m.	Committee Discussion and Requests for Staff
5:00 p.m.	Adjourn

* Any individual with a disability may request accommodation in order to participate in committee meetings. Requests for accommodation should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 TTY: 711

SPECIAL COMMITTEE ON NATURAL RESOURCES

Senate	House
Sen. Dan Kerschen, Vice-chairperson Sen. Bud Estes Sen. Marci Francisco	Rep. Tom Sloan, Chairperson Rep. Doug Blex Rep. Ken Rahjes Rep. Ponka-We Victors

Kansas Legislative Research Department	Office of Revisor of Statutes
Heather O'Hara John Hess Raney Gilliland	Tamara Lawrence Matt Sterling

Gary Deeter, Committee Assistant

STUDY TOPIC

Study and Make Recommendations Regarding the Funding of the State Water Plan Fund

The Committee is directed to:

- Review current and historical State Water Plan funding, projects, and recommendations of the Governor's Blue-Ribbon Water Funding Task Force;
- Discuss possible funding options based on state-wide needs, priorities, and realistic funding options with agency officials, stakeholders, and interested members of the public; and
- Propose introduction of legislation for the 2018 Legislative Session.

Approved Meeting Days: 2 days

Kansas Water Law and the Ownership of Water Resources in Kansas

Burke W. Griggs
Associate Professor, Washburn University School of Law
burke.griggs@washburn.edu

Testimony before the Joint Interim Committee on Natural Resources
2017.10.31

I have prepared this outline of Kansas water law for the benefit of the Interim Committee on Natural Resources. By the standard of legislative testimony, it is painfully long; by the standards of a legal treatise, it is painfully short and incomplete. Nonetheless, it is intended as a basic guide to the structure and operation of Kansas water law, as that law has established property rights in the use of water, and how owners of Kansas water rights have (and have not) protected those rights. I will limit my oral testimony to the basic elements of this written testimony, so that I can answer the questions of the committee.

I. Introduction: Kansas Water Law before 1945

a. Climate and Westward Expansion
b. Hydrology and the relative unimportance of groundwater before 1945
c. Kansas Water Law before 1945: a hybrid of two distinct legal doctrines
    i. Riparianism, according to the English and American Common Law, starting in 1861.
    ii. Prior Appropriation for surface waters in western Kansas, starting in 1886.
d. By the 1940's, basic problems with this hybrid water law had become clear:
    i. The Kansas Supreme Court held in 1944 that Kansas water law was ineffectual to regulate groundwater pumping. *State ex rel. Peterson v. Board of Agriculture,* 149 P.2d 604 (Kan. 1944).
    ii. The Supreme Court of the United States effectively held that Kansas water law was incapable of quantifying how much water Kansas and its water users had lost due to over-use in the Arkansas River Basin in Colorado.
        1. *Colorado v. Kansas,* 320 U.S. 383 (1943): Kansas cannot defend what it cannot quantify.
    iii. Interstate Compact negotiations on the Republican and Arkansas Rivers (1940's) revealed similar weaknesses. Kansas leaders recognized the imperative need to quantify all of the actual and potential water rights in Kansas's interstate basins, including rights to groundwater supplies—so Kansas could maximize its claims, including those to receive federal reservoir storage.
        1. Republican River Compact (1943)
        2. Arkansas River Compact (1949)
e. In response to these legal problems, Governor Schoeppel formed a committee to recommend reforms to Kansas water law. That committee produced two remarkable documents in record time (1944-45):
    i. GEORGE S. KNAPP *ET AL.*, THE APPROPRIATION OF WATER FOR BENEFICIAL PURPOSES: A REPORT TO THE GOVERNOR ON THE HISTORIC, PHYSICAL, AND LEGAL ASPECTS OF THE PROBLEM IN KANSAS (1944).
    ii. A full draft of what became, with some modifications, the 1945 Kansas Water Appropriation Act ("KWAA").

II. The Kansas Water Appropriation Act: a skeletal summary.

a. *Dedication of the waters of the state to the public.*

i. K.S.A. § 82a-702. "**All** water within the state of Kansas is hereby dedicated to the **use** of the people of the state, subject to **the control and regulation** of the state in **the manner** herein prescribed." (emphasis added).

1. "**All**" means both surface and groundwater.
2. "**use**": under the KWAA, the focus is on beneficial **use** of water.
3. "**control and regulation**": police power of the State of Kansas, acting through the chief engineer.
4. "**manner**": doctrine and procedure for granting, administering, and protecting water rights.

ii. What does this "dedication to the people" mean? Does it really mean that the people of the state of Kansas are the title owners of the waters of Kansas?

1. No. State "ownership" of water resources = State power to control and regulate according to the state's police power.
   a. The concept of state ownership of its water resources is a legal fiction, a surrogate for state control. *Sporhase v. Nebraska ex rel. Douglas*, 458 U.S. 941 (1982).

b. *Jurisdiction and Power:* the chief engineer of the division of water resources ("DWR") is the statutory office in charge of administering the laws relating to the beneficial use of water. K.S.A. § 82a-706.

i. Has jurisdiction over both groundwater and surface water. *Id.*

ii. All water rights other than domestic rights require permission from the chief engineer. K.S.A. §§ 82a-705, 82a-728. (Domestic rights—those held for household purposes—do not require a permit.)

iii. Chief engineer has the power to impose penalties on those who use water without a permit or in violation of the terms of their permit. K.S.A. § 82a-728.

1. These include civil penalties (fines) and reductions in allowable water usage.

iv. The chief engineer is the lead water officer in charge of administering Kansas's four interstate compacts. He or she holds that power under federal and state law, because interstate compacts are federal as well as state statutes.

c. *Water Law Doctrine:* the chief engineer shall "control, conserve, regulate, allot and aid in the distribution of the water resources of the state for the benefits and beneficial uses of all of its inhabitants **in accordance with the rights of priority of appropriation.**" K.S.A. § 82a-706.

i. Abolition of water rights held under the riparian doctrine. Those with pre-1945 uses given the opportunity (until 1980) to "prove up" their water use to the chief engineer and have these rights recognized as "vested rights" integrated within the prior appropriation system. K.S.A. §§ 82a-703, 82a-704a.

ii. Between persons with water rights, "the first in time is the first in right." K.S.A. § 82a-707(c).

1. Priority of the water right, and not its type of beneficial use, governs its protections. While the KWAA appears to contain a hierarchy of uses (at

K.S.A. § 82a-707(b)), that hierarchy defers to priority (as stated at K.S.A. §§ 82a-707(b) and 82a-707(c)).

iii. Note that the chief engineer **does not have a clear independent duty to conserve water supplies separate from those allocated to water rights. The chief engineer is fundamentally a *reactive* officer, responding to owners' rights for protections.**

iv. The chief engineer fulfills his or her statutory duty according to the prior appropriation doctrine in three basic ways, balancing the duty to put water to beneficial use with the duty to protect the "public interest."

1. *In granting new water rights.* K.S.A. §§ 82a-711, 82a-711a.
    a. If water supplies are available—that is, if their use does not **"impair"** existing water rights—
    b. And, their use for a new water right does not unreasonably affect the public interest, then the chief engineer "shall approve" the application. K.S.A. § 82a-711.
    c. In evaluating whether the application protects the public interest, the chief engineer must consider minimum desirable streamflows, the dynamics of the local water supply, all prior rights, and any other matters. K.S.A. § 82a-711(b).
    d. In the context of **new water rights applications,** "impair" means impairment "beyond a reasonable economic limit." K.S.A. §§ 82a-711(c), 82a-711a.
    e. Why this qualification and redefinition of "impair" exists for new water rights applications: to accommodate the post-1957 development of groundwater rights to the High Plains-Ogallala Aquifer. Because a strict definition of "impair" would have effectively prohibited new water rights across the Ogallala.

2. *In reviewing applications to change existing water rights.* K.S.A. § 82a-708b.
    a. What cannot be changed: the priority of a water right and its authorized quantities. K.S.A. § 82a-708b(a). (But see below at III.a.2).
    b. What can be changed: its place of use, its point of diversion, or the type of use made of water. *Id.*
        i. Place of use: where the water is put to beneficial use.
        ii. Point of diversion: the location from which the water is diverted (as in the headgate from a stream or a groundwater well.)
        iii. Type of use made of water: *e.g.,* from an irrigation right to a municipal right.
    c. If the applicant demonstrates that the change does not impair existing rights, then the chief engineer shall approve the change. *Id.* Much of the chief engineer's analysis is performed pursuant to the "no injury rule."
        i. A senior water right cannot be changed in such a way that its use impairs "existing rights," including any

potentially impaired junior rights. A senior water right does not carry with it the unilateral right to be changed according to its owner's wishes.

ii. In other words, the owner of a junior water right is entitled to the conditions of the water supply at the time his or her water right was approved.

iii. This makes sense within the prior appropriation system: consider the following example. A 2017 change to a 1960 (senior) water right must not impair any senior **and** junior (1960-2017) water rights, because that proposed change *is itself* junior to those senior and junior rights.

iv. The chief engineer typically requires a reduction in the authorized quantities of the water right to be changed, so as to protect all existing rights affected by the change.

1. Changes in point of diversion: if an applicant seeks to move her well closer to an existing well, and thus exert a greater impact on that existing well than previously, then DWR may require, as a condition of granting the change, a reduction in the authorized quantity of her right.
2. Changes in place of use: because all existing water rights in the area depend to some extent on return flows to the water system, then DWR may require, as a condition of granting the change, a reduction in the authorized quantity if the proposed place of use is more distant from the recharge area.
3. Changes in consumptive use. Some uses are more consumptive than others. Thus, a change to a more consumptive use (*e.g.*, from irrigation to municipal use) will require a commensurate reduction in the authorized quantity as a condition for granting the change.

d. In the context of **applications to change existing rights,** "impair" means "impair." There is no qualification (as there is with new water rights applications) of "impair" to mean impairment "within a reasonable economic limit." *Id.*

e. Because most areas of Kansas are "over-appropriated"—that is, there are more water rights than there is water to satisfy them—there is more activity in changing existing water rights than in applying for new water rights.

i. Combining existing rights to a common place of use.

ii. "Chasing water" by moving the well to a better area of water supply.

3. *In administering water rights in times of shortage.*
    a. The chief engineer has considerable latitude in deciding how to protect senior water rights when a senior right owner "makes a call" on the water supply and requests that junior owners be shut down. K.S.A. § 82a-706b.
    b. DWR water commissioners typically make these administration decisions, which can be complex depending upon the conditions in the basin and the water rights requesting protection.
    c. If the chief engineer decides that reducing junior water rights to protect a senior right would not actually produce "wet water" to the senior right's point of diversion, then such a "call" is deemed to be "futile," and the chief engineer will most likely not "administer" (shut down) some (or all) junior rights in that situation. This is known as the "futile call" doctrine.
        i. Justification: a water right is not a guarantee of water.
    d. See below at III.b.

d. The Constitutionality of the KWAA has been repeatedly upheld.
    i. *Williams v. City of Wichita,* 374 P.2d 578 (Kan. 1962).
    ii. *F. Arthur Stone & Sons v. Gibson,* 630 P.2d 1164 (Kan. 1981).

III. The Kansas Appropriation Water Right and How an Owner Protects it.

a. What a Kansas Appropriation Water Right is.
    i. A Kansas water right is any:
        1. "vested right" (a pre-1945 water right that has been approved post-1945) or
        2. an "appropriation right" (rights applied for after the KWAA was enacted in 1945)
        3. "under which a person may lawfully divert and use water." It is a **usufructuary** right. K.S.A. § 82a-701(g).
            a. A water right is **not** the ownership of water, but the right to use that water. K.S.A. § 82a-707(a).
        4. It is a "**real property right** appurtenant to and severable from the land on or in connection with which the water is used and such water right passes as an appurtenance with a conveyance of the land . . . ." K.S.A. § 82a-701(g).
        5. Domestic rights are full KWAA rights; they just don't require a permit from the chief engineer, provided the domestic use is a beneficial use. K.S.A. § 82a-705a.
    ii. Attributes of a Kansas Water Right.
        1. Priority. This cannot be changed.
        2. Authorized quantities (annual use and rate of diversion). This cannot be increased, but it can be decreased as condition for granting a change, subject to the no-injury rule.
        3. Place of use. This can be changed, subject to the no-injury rule.
        4. Point of diversion. This can be changed, subject to the no-injury rule.

5. Type of use made of water. This can be changed, subject to the no-injury rule.

iii. Because a Kansas Water Right is a real property right, it is transferable, either wholly or partially, by conveyance. K.S.A. § 82a-701(g).
   1. Therefore, those seeking better (older) water rights and additional water supply can purchase, lease, or otherwise obtain those rights. Prior appropriation rights have the advantage of transferability, separate from the land. *Id.*
   2. In putting those obtained water rights to a different place of use, or type of use, the buyers/lessees/renters must obtain permission from the chief engineer pursuant to K.S.A. § 82a-708b. (See above.)

b. Owners can protect their rights through the "administrative route" or through the "judicial route." The ability to protect a Kansas water right is one of the most valuable components of the right.
   i. By asking the chief engineer to administer water rights, according to the priority of the water rights drawing from the same source of water supply. (See above at II.c.3).
      1. Statutes
         a. K.S.A. § 82a-706.
         b. K.S.A. § 82a-706b.
         c. K.S.A. § 82a-707(c).
      2. Regulations set forth the procedure for protecting senior rights.
         a. K.A.R. § 5-4-1.
         b. K.A.R. § 5-4-1a.

   ii. By going to court. The KWAA offers multiple protections for the judicial route. These protections exist because a water right is a real property right, entitled to full due process protections.
      1. K.S.A. § 82a-716.
      2. K.S.A. § 82a-717a.
      3. K.S.A. § 82a-719.
      4. K.S.A. § 82a-721a.
      5. K.S.A. § 82a-725.
      6. The Kansas Supreme Court has recently upheld the efficacy of the judicial route, upholding an injunction against a junior right that DWR found was impairing a senior right. *Garetson Bros. v. American Warrior,* 347 P.3d 687 (2015), *rev. denied* (2016).

   iii. Under 2017 amendments to the KWAA, (in response mostly to *Garetson),* the legislature attempted to integrate these two routes, requiring a water right holder claiming impairment to exhaust his or her administrative remedies before seeking relief in court.
      1. K.S.A. § 82a-716 (2017)
      2. K.S.A. § 82a-717a (2017).
      3. The legality of this amendment has yet to be tested in court. It may run afoul of two areas of legal authority:

a. Separation of powers concerns (between the executive/administrative branch and the judicial branch); and
b. Other broad statutory authority entitling senior owners to independent relief through the courts (K.S.A. § 82a-721a).

c. Water rights owners have repeatedly relied upon the clear protections of the KWAA to protect their rights. This is especially true in surface-water dominant basins, such as the Neosho River Basin. That is largely because the prior appropriation doctrine works fairly well in protecting surface water rights: the administration of junior rights makes water available to senior rights relatively quickly in a surface-dominated basin.

d. However, many water rights owners, especially those with groundwater rights to the High Plains-Ogallala Aquifer, have not protected their rights as the KWAA assumed or intended that they would. There are hydrological and local reasons for why owners of Ogallala-based groundwater rights have generally refrained from seeking the protections afforded senior rights under the KWAA.
    i. The problem of groundwater over-appropriation. DWR granted far more water rights between 1955 and 1970 than the High Plains-Ogallala Aquifer could provide over the long term.
        1. Why? Because the water was available for appropriation,
        2. And the chief engineer has the duty to grant water rights and put water to beneficial use, provided that new rights do not impair existing rights "beyond a reasonable economic limit." K.S.A. § 82a-711; *see* Section II.c above.
    ii. The problem of slow hydrological response to the administration of junior groundwater rights.
    iii. The potentially draconian consequences of water rights administration in the Ogallala context.
    iv. The concern of local groundwater communities regarding these draconian consequences.
    v. Starting in the 1970's, Kansas began to take steps to address these hydrological, political, and cultural obstacles.

IV. Addressing the Problem of Groundwater Depletion and its effects on Property Rights in Water, 1972-Present

a. The Groundwater Management District Act, K.S.A. § 82a-1020 *et seq.* ("GMD Act").
    i. The Basic Contours of the GMD Act (enacted 1972).
        1. Original Purpose: to reward local initiatives to conserve groundwater supplies at a time when DWR was not pursuing conservation, by forming local groundwater management districts ("GMDs").
        2. GMD's have their own assessment and taxing authority, and have become the most important political force in Kansas water.
        3. GMD's propose management plans and regulations for their respective districts, which are developed in consultation with the chief engineer and approved as state regulations enforced by the chief engineer.

a. GMD's have taken steps to close areas to new water rights applications. However, this does fundamentally address the problem of over-appropriation in western Kansas.
b. Some of these regulations have accelerated the problem of groundwater depletion. *See, e.g.*, K.A.R. § 5-23-4a(b).

4. The GMD Act expressly states that it places no limitation on the chief engineer's authority under the KWAA. K.S.A. § 82a-1039.

ii. The most prominent tool for reducing water use across the High Plains-Ogallala Aquifer: establishing Intensive Groundwater Use Control Areas ("IGUCAs"), K.S.A. § 82a-1036 to -1038 (1978).

1. Basic Procedure and Consequences
   a. The chief engineer, the GMD, or local irrigators (via a petition) may initiate proceedings to form an IGUCA.
   b. The chief engineer then holds hearings to consider three basic things:
      i. Whether conditions merit an IGUCA;
      ii. What the boundaries of the IGUCA should be; and
      iii. What the "corrective control provisions" (usually reductions in water rights quantities) should be.
   c. IGUCAs are then established by order of the chief engineer.
2. Successes: IGUCAs have restored some degree of balance to connected surface and groundwater systems across western Kansas. At this writing, there are eight IGUCAs.
3. Failures: no IGUCAs have been established across the non-renewable portions of the Ogallala Aquifer. Reasons for that failure:
   a. The chief engineer has so far not initiated proceedings to establish an IGUCA on his own initiative. That is largely out of political caution and his lack of a clear statutory duty to conserve the water resources of Kansas independent of protecting water rights that depend on those resources.
   b. Local irrigators fear the unpredictability of the IGUCA process: they may seek to reduce groundwater pumping and initiate an IGUCA, only to find that the chief engineer establishes boundaries or orders pumping reductions that are different and in excess of what they had planned or feared.

iii. A recent tool to avoid the pitfalls of IGUCA's: Local Enhanced Management Areas ("LEMAs"), K.S.A. § 82a-1041 (2012).

1. Basic Procedure and Consequences, as distinguished from IGUCA's.
   a. The GMD (acting through its elected board) votes to move forward with a LEMA, and submits a management plan for the LEMA to the chief engineer.
   b. The chief engineer holds hearings similar to those of an IGUCA, but with one signal difference: the hearings are limited to the management plan. The chief engineer cannot deviate substantially from the plan; he either approves the LEMA or rejects it. This difference in procedure is intended to protect

against unintended regulatory consequences, such as unanticipated borders or increased reductions in pumping.

2. Success: GMD4 SD-6 LEMA, 2013-2018
    a. Extended for the period 2018-2022 (2017).
3. Further LEMA Activity:
    a. GMD1 (proposed GMD-wide LEMA, voted down 2014)
    b. GMD4 (proposed GMD-wide LEMA, currently under review)
    c. GMD5 (proposed LEMA to address the impairment of the Quivira National Wildlife Refuge)

iv. Some prominent legal problems regarding the GMD Act.

1. Are GMD's achieving their original purpose, or, as Professor John C. Peck noted, might "the foxes be guarding the chicken house?"
2. The lack of any IGUCA over the non-renewable portions of the High Plains-Ogallala Aquifer.
3. The relationship between the GMD Act and the KWAA.
    a. How to resolve the opening paradox of K.S.A. § 82a-1020: how can "local water users determine their destiny" while preserving "basic water use doctrine"—namely, prior appropriation, when irrigators do not favor prior appropriation calls as a regulatory tool?
    b. Do IGUCA and LEMA orders that impose reductions in groundwater rights regardless of their respective priorities violate the prior appropriation doctrine of the KWAA?
    c. Can owners of groundwater rights affected by IGUCA and LEMA orders protect their water rights through the judicial route?
    d. Do IGUCA- and LEMA-ordered reductions in groundwater rights to both renewable and non-renewable areas of the High Plains-Ogallala Aquifer rise to the level of governmental takings?
    e. Or is the collective failure by DWR and the GMD's to slow the permanent depletion of non-renewable groundwater supplies in itself a taking on a regional scale?

b. Groundwater-motivated amendments to the KWAA.

i. Multi-Year Flex Accounts. K.S.A. § 82a-736 (esp. 2011, 2012).

1. Enables a groundwater right holder to use his or her authorized quantities more flexibly, by extending the compliance period from annually to five years.
2. Depending on the situation, this can increase or decrease overall water usage.

ii. Water Conservation Areas. K.S.A. § 82a-745 (2015).

1. Think of WCA's as voluntary, miniature LEMA's.
2. Statutorily unnecessary, but enacted to standardize the process and encourage conservation.

iii. Water Rights Conservation Program, in statute: protection from abandonment. K.S.A. §§ 82a-741, 82a-718(d) (2011).
    1. Placed in statute what had been in regulations; no effective change in DWR practice.
iv. Abolishing abandonment of water rights in closed areas: K.S.A. § 82a-718(e) (2012).
    1. The apparent good news: no more "use it or lose it."
    2. The bad news: the problem of hidden water rights that cannot be terminated. May promote further speculation.

V. Other property rights in Kansas Water.

a. Storage Capacity in reservoirs as a Property Interest.
    i. The State's property interest in federal reservoirs: that of a permanent easement to the storage space within the reservoir.
    ii. The KWO purchases permanent storage space in reservoirs, and then acts as a long-term broker to purchasers of water storage in two ways:
b. First: State Water Plan Storage Act, K.S.A. §§ 82a-1301 to -1320 (first enacted 1974). Basic Structure:
    i. Kansas agrees to pay the United States for conservation storage for municipal and industrial ("M&I") purposes.
    ii. Under the State Water Marketing Program, the state acquires "water reservation rights" from the chief engineer for the purpose of diverting and storing water in the reservoir.
    iii. State enters into long-term contracts with M&I users to sell the water from storage, drawn from these water reservation rights.
    iv. Receipts from the contracts enable the state (it is hoped) to partially repay the federal government.
    v. Interest in the state water marketing program has proved to be less than anticipated, indicating problems in the distribution of reservoir water supply benefits during droughts.
c. Second: Water Assurance Program Act, K.S.A. §§ 82a-1320 to -1328 (1986).
    i. Enacted in response to the shortcomings of the State Water Plan Storage Act.
    ii. Enables M&I users downstream from federal reservoirs to join together in Water Assurance Districts ("WADs"), issue bonds, and aid the state in repaying the United States for adding conservation storage space to federal reservoirs.
    iii. In return, WAD members are promised reservoir releases sufficient to meet certain prescribed target flows on the river.

VI. Conclusion: Who owns the problem of permanent depletion of Kansas's water Resources?

a. The KWAA is a fundamentally sound water code, and one of the better western water law codes.
    i. But it depends upon owners of water rights to affirmatively protect their rights.
    ii. It lacks a clear statutory command to conserve the water resources of Kansas independent of those rights.
    iii. Neither DWR nor water rights owners have embraced the most powerful tools at their command to conserve water resources.

1. IGUCA's and LEMA's
2. Priority administration
3. Water Rights adjudications

iv. As a consequence, the state, DWR, and GMD's have effectively condoned and even promoted the acceleration of the depletion of the High Plains-Ogallala Aquifer.

b. The state faces a statewide problem of permanent depletion of its water resources, across water resource categories.
   i. Depletion of groundwater supplies across the High Plains-Ogallala Aquifer.
   ii. Loss of perennial streamflows across most of western Kansas due to groundwater over-pumping—flows upon which many surface rights in eastern Kansas depend.
   iii. Depletion of storage capacity in federal reservoirs as a result of siltation caused by erosion upstream.
   iv. These are private property problems, because permanent depletion makes property rights less secure. A real property right predicated upon a disappearing resource is a pathetic legal fiction.
   v. This is also a problem about the public. We are witnessing, by permanent depletion, the dispossession of waters dedicated to the public, a dispossession that violates the public interest.
   vi. These problems are solvable, largely because of the basic soundness of Kansas water law. The question is whether the state and its citizens have the political will to do so.

c. Some concluding questions for the committee to consider:
   i. Should we impose upon DWR and the chief engineer the explicit duty to preserve and/or conserve the water resources of Kansas?
   ii. Should we reform the relationship between DWR and the GMDs, as other states, most prominently Arizona and California, have done?
   iii. Should we adjudicate the rights to the High Plains-Ogallala Aquifer?
   iv. Should the State reconsider the public and private value of water stored in federal reservoirs?
   v. Should the state commission another legal study of Kansas water law and its problems, as occurred in 1945, 1957, and 1978?

VII. Bibliography.

a. GEORGE S. KNAPP *ET AL.*, THE APPROPRIATION OF WATER FOR BENEFICIAL PURPOSES: A REPORT TO THE GOVERNOR ON THE HISTORIC, PHYSICAL, AND LEGAL ASPECTS OF THE PROBLEM IN KANSAS (1944).

b. KANSAS WATER RESOURCES BOARD, REPORT ON THE LAWS OF KANSAS PERTAINING TO THE BENEFICIAL USE OF WATER (1956).

c. John C. Peck, *Kansas Groundwater Management Districts,* 29 U. KAN. L. REV. 51 (1980).

d. John C. Peck, *The Kansas Water Appropriation Act: A Fifty-Year Perspective,* 43 U. KAN. L. REV. 735 (1995)

e. John C. Peck, *Property Rights in Groundwater—Some Lessons from the Kansas Experience,* 12 KAN. J.L. & PUB. POL'Y 493 (2003).

f. John C. Peck, *Groundwater Management in Kansas: A Brief History and Assessment,* 15 KAN. J.L. & PUB. POL'Y 441 (2006).

g. Michael K. Ramsey, *Kansas Groundwater Management Districts: A Lawyer's Perspective,* 15 KAN. J.L. & PUB. POL'Y 517 (2006).

h. Leland E. Rolfs, *Comparing and Contrasting the Roles of the Division of Water Resources and the Groundwater Management Districts in Groundwater Management and Regulation,* 15 KAN. J.L. & PUB. POL'Y 505 (2006).

i. Burke W. Griggs, *Beyond Drought: Water Rights in the Age of Permanent Depletion,* 62 KAN. L. REV. 1263 (2014).

j. Burke W. Griggs, *General Stream Adjudications as a Property and Regulatory Model for Addressing the Depletion of the Ogallala Aquifer,* 15 WYO. L. REV. 413 (2015)

k. Burke W. Griggs, *The Political Cultures of Irrigation and the Proxy Battles of Interstate Water Litigation,* 57 NAT. RESOURCES J. 1 (2017).

DOC Responsibilities

Conservation District Law 105
Watershed District Act 88

Other Statutes authorizing various programs

10 programs developed to protect the environment and natural resources. (Effect on Water Quality and Quantity)

Resources
- Funding } One is no good
- People } without the other

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

Kansas
Department of Agriculture
agriculture.ks.gov

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

Joint Testimony Submitted to
the Special Committee on Natural Resources
by Jackie McClaskey, Secretary, Kansas Department of Agriculture
and Tracy Streeter, Director, Kansas Water Office
October 31, 2017

Following is written testimony related to Kansas Department of Agriculture's (KDA) priorities, coordination among agencies implementing the state water plan fund, and measuring success in implementing the agency's priorities. While no KDA representatives will be available to present this information orally on October 31st, the Kansas Water Office will share this information on our behalf.

Priorities

All agency priorities are directed by our Purpose, Vision and Mission.

Purpose: To serve, promote and grow the state's largest industry.

Vision: Kansas will provide an ideal environment for long-term, sustainable agricultural prosperity and statewide economic growth.

Mission: The Kansas Department of Agriculture is committee to a balanced approach of:

- Serving Kansas farmers, ranchers, agribusinesses and the consumer/customers they serve;
- Providing an environment that enhances and encourages economic growth of the agriculture industry and the Kansas economy; and
- Advocating for and promoting the agriculture industry, the state's largest industry, employer and economic contributor; while
- Helping to ensure a safe food supply, protecting natural resources, promoting public health and safety, protecting animal health, and providing consumer protection to the best of our ability.

The water-related priorities of the Kansas Department of Agriculture, both in the immediate and in the projected future, are strongly aligned with the priorities established in the *Long-Term Vision for the Future of Water Supply in Kansas*. Long-term agency budget priorities including funding for streambank stabilization, watershed BMP implementation, irrigation technology adoption, water technology farms, telemetry, less water intensive irrigation crop research, and livestock water supply research and technology implementation.

The following immediate priorities are included within the agency's budget enhancement letter submitted to the Division of Budget in fall 2017.

Fiscal Year 2018

- $281,312 to the Division of Conservation for riparian and wetland development. Although filed as an enhancement request, this request is to allow the Division of Conservation to expend State Water Plan funds in FY2018 that were allocated and not spent in FY2017. These funds were allocated in FY2017 for a project at Gardner City Lake which ultimately could not be completed. DOC had prior approval from the Secretary of Agriculture to utilize these funds as seed money for the new Sediment & Nutrient Reduction Program authorized under K.S.A. 2016 Supp. 2-1915. The related program regulations which were intended to be completed during FY2017 are not finalized yet, so the plan was to allow the $281,312 to be carried forward under the current line item and then transferred to the DOC's Riparian & Wetland line item immediately after the opening of the FY2018 budget cycle.

Fiscal Year 2019

- $177,429 for three environmental scientists based in western Kansas dedicated to assisting in the development of Water Conservation Areas, assisting water users in efficiently managing their water resources, and executing the Governor's *Water Vision.*

- $75,000 for a coordinator dedicated to assisting in the development of Water Technology Farms. Water Technology Farms are public-private partnerships where irrigation and water management technology is demonstrated and related research is conducted on a field scale. Water Technology Farms have been valuable in expanding the conversation and education of producers and decision makers on water conservation in areas overlying the depleting Ogallala aquifer.

- $90,000 to increase Kansans' knowledge and understanding of the condition and importance of the state's water resources as outlined in several action items within the *Water Vision.*

Coordination

Coordination among the agencies implementing the State Water Plan Fund is critical to ensuring efficient and purposeful spending. Overarching routine coordination occurs through monthly meetings. Specific project or priority area coordination occurs within interagency working teams such as the streambank coordination team and the best management plan (BMP) coordination group.

Measuring Success

Every program and division within the Kansas Department of Agriculture annually develops goals and objectives. In addition, each program and division prepares monthly progress reports with visible metrics and indicators towards meeting those goals and objectives.

Two example goals are provided below. A full report of the agency's progress tracking of Program Goals and Objectives can be made available if desired.

Division of Conservation					
Goal	**Indicator(s)**	**Quarterly Progress**			
		Q1	**Q2**	**Q3**	**Q4**
Refresh and promote WTAP and CREP programs	Number of New Enrollments in Target Areas		4	1	
Division of Water Resources					
Goal	**Indicator(s)**	**Quarterly Progress**			
		Q1	**Q2**	**Q3**	**Q4**
Enhance on-line water use report system to ensure our water users are comfortable with the system	Increase of reports received on-line	26%			

Progress Legend	
Not Started	
On Track	
Experiencing Delays	
Cannot Complete	
Complete	

Another tool for tracking progress within the KDA Division of Conservation is the Cost-Share and Information Management System (CSIMS). CSIMS is an automated and integrated computer system designed to manage the state water plan funded cost-share programs administered by the Division of Conservation. The system supports program, practice, and contract data from a single, centrally managed database. This database contains financial control and reference information needed to administer program, contract management and reporting needs for the DOC and other state and federal agencies.

The Division of Conservation, with assistance from the Kansas Water Office, is currently developing the addition of BMP load reduction data in CSIMS. Load reductions will be calculated in real time for approved BMP projects as well as all unfunded applications. The location of the approved projects as well as all unfunded applications — by legal description and 12-digit Hydrologic Unit Code (HUC12) — will be used to identify benefits that have occurred and also where future benefits can be attained.

Thank you for the opportunity to share this information. If you have any questions or would like additional information, please contact Susan Metzger, Deputy Secretary, via email at susan.metzger@ks.gov or via phone at (785) 564-6700. We look forward to attending the November 13 meeting of the Special Committee on Natural Resources.

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

Kansas
Department of Agriculture
agriculture.ks.gov

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

Written testimony submitted to
the Special Committee on Natural Resources
by the Kansas Department of Agriculture
October 31, 2017

Agriculture is the largest industry in Kansas, providing a total economic contribution of approximately $67.5 billion and supporting 246,877 jobs in Kansas. This represents roughly 44.5% of the state's total economy and 13% of the entire workforce of the state.

In Kansas, many agricultural producers utilize irrigated farming practices as a means by which to increase their yield and income potential from cropland. While income potential is increased due to productive capacity, this does not come without added costs for irrigation equipment, field operations, and cash rent for property. Two tables have been provided to exhibit gross and net return from irrigated and non-irrigated farming practices in Southwest Kansas in 2016 to show a static example of the possible return from irrigation per acre and per bushel.

Figure I: 2016 Gross and Net Return for Irrigated and Non-Irrigated Corn in Southwest Kansas

	Irrigated	Non-Irrigated	Difference
Income			
Yield (per acre)	210	66	144
Price (per bushel)	$ 4.06	$ 4.06	0
Gross Revenue	**$852.60**	**$ 267.96**	**584.64**
Expenses			
Direct Expenses			
Fertilizer/Herbicide/Insecticide/Fungicide	$ 176.20	$ 99.25	$ 76.95
Seed	$ 128.00	$ 55.00	$ 73.00
Insurance/Consulting/Miscellaneous	$ 36.73	$ 10.38	$ 26.35
Labor	$ 28.80	$ 22.50	$ 6.30
Custom field operations	$ 169.55	$ 86.71	$ 82.84
Irrigation expenses (natural gas/maintenance)	$ 80.27	$ -	$ 80.27
Interest on capital	$ 18.59	$ 8.22	$ 10.37
Fixed Expenses			
Depreciation on irrigation equipment	$ 76.67	$ -	$ 76.67
Interest on irrigation equipment	$ 59.22	$ -	$ 59.22
Cash rent	$ 86.00	$ 16.00	$ 70.00
Total expenses	**$ 860.03**	**$ 298.06**	**$ 561.97**
Net Return (per acre)	**$ (7.43)**	**$ (30.10)**	**$ 22.67**

In Figure I, we see that the gross revenue from irrigated farming for corn in Southwest Kansas in 2016 is 210 bushels per acre at a price of $4.06 per bushel, for a gross revenue of $852.60 per acre. Conversely, non-irrigated farming produces 66 bushels per acre at the same price of $4.06 per bushel or $267.96. This leads to a difference of $584.64 per acre between irrigated and non-irrigated production. Looking at the expenses, we see that multiple differences can be discerned in fertilizer cost, seed cost, and costs related to irrigation equipment. Additionally, a premium of $70 can be notated for cash rent paid per acre for land that is irrigated versus land that is non-irrigated. After accounting for all of these costs, irrigated production exhibits a net return of -$7.43 per acre, while non-irrigated production exhibits a net return per acre of -$30.10, a difference of $22.67 per acre. In terms of bushels, irrigated corn farming in Southwest Kansas in 2016 created a $0.42 premium per bushel over non-irrigated farming.

Figure II: 2016 Gross and Net Return for Irrigated and Non-Irrigated Soybeans in Southwest Kansas

	Irrigated	Non-Irrigated	Difference
Income			
Yield (per acre)	61	27	34
Price (per bushel)	$ 8.31	$ 8.31	0
Gross Revenue	**$506.91**	**$ 224.37**	**282.54**
Expenses			
Direct Expenses			
Fertilizer/Herbicide/Insecticide/Fungicide	$ 54.32	$ 53.09	$ 1.23
Seed	$ 63.21	$ 50.57	$ 12.64
Insurance/Consulting/Miscellaneous	$ 19.82	$ 8.80	$ 11.02
Labor	$ 27.00	$ 7.50	$ 19.50
Custom field operations	$ 96.31	$ 72.98	$ 23.33
Irrigation expenses (natural gas/maintenance)	$ 66.89	$ -	$ 66.89
Interest on capital	$ 9.83	$ 5.79	$ 4.04
Fixed Expenses			
Depreciation on irrigation equipment	$ 76.67	$ -	$ 76.67
Interest on irrigation equipment	$ 59.22	$ -	$ 59.22
Cash rent	$ 86.00	$ 16.00	$ 70.00
Total expenses	**$ 559.27**	**$ 214.73**	**$ 344.54**
Net Return (per acre)	**$ (52.36)**	**$ 9.64**	**$ (62.00)**
Net Return (per bushel)	**$ (0.86)**	**$ 0.36**	**$ (1.22)**

Similar to Figure I, in Figure II we see that the gross revenue from irrigated farming for soybeans in Southwest Kansas in 2016 is 61 bushels per acre at a price of $8.31 per bushel, for a gross revenue of $506.91 per acre. During the same time period, the production from non-irrigated farming is 27 bushels per acre at the same price of $8.31 per bushel for a total of $224.37. The difference in irrigated versus non-irrigated gross revenue per acre is therefore $282.54. On the expense side, multiple differences still exist for irrigated producers above and

beyond non-irrigated production. Most notably, costs related to irrigation expenses are evident, as well as the $70 per acre premium for irrigated farm land cash rent. After accounting for all of these costs, irrigated production exhibits a net return of -$52.36 per acre, while non-irrigated production exhibits a net return per acre of -$9.64, a difference of $62.00 per acre in favor of non-irrigated production. In terms of bushels, non-irrigated soybean farming in Southwest Kansas in 2016 created a $1.22 premium per bushel over irrigated farming.

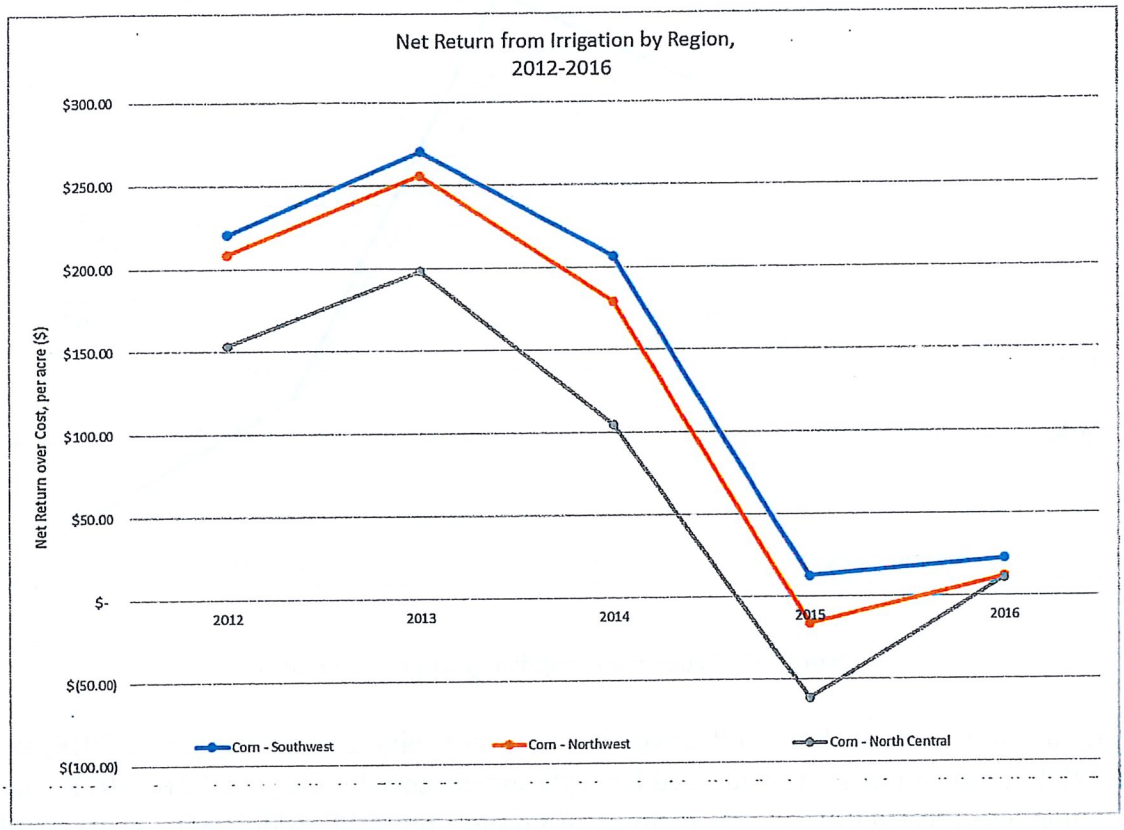


Chart I: Net Return from Irrigation by Region, 2012-2016

Chart I and Chart II notate the 5-year trend of the net return from irrigation in Kansas for corn (Chart I) and soybeans (Chart II) in the three main irrigated regions of the state: Southwest, Northwest and North Central. From Chart I we can discern that the spread in net return from irrigation in Kansas over the past five years was relatively strong from 2012–2014, but decreased with lower farm prices in 2015. An increase in net return from irrigation was notated in 2016 and is expected to stay steady in 2017. The 5-year average (2012–2016) net return from irrigation for corn was $146.48 in Southwest Kansas, $127.71 in Northwest Kansas, and $81.36 in North Central Kansas, as shown in Figure III.

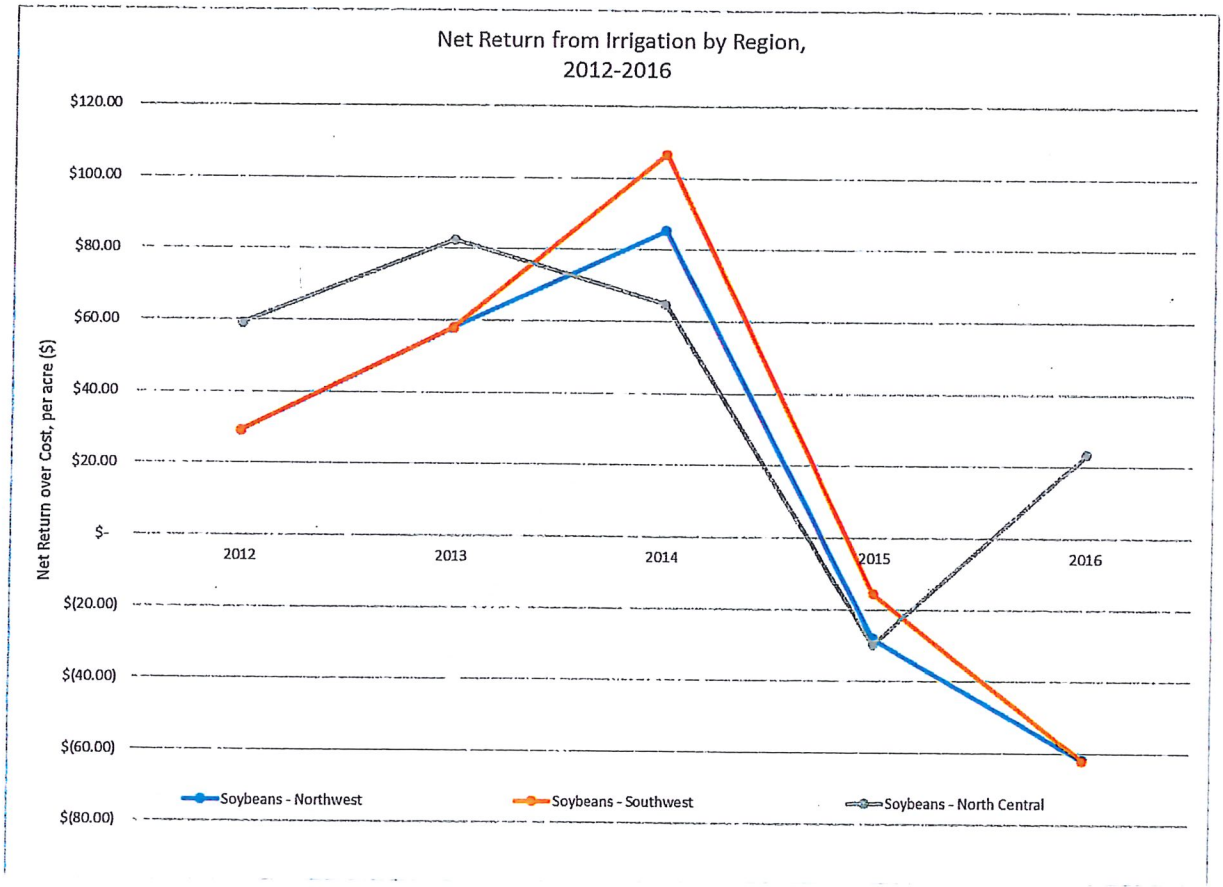


Chart II: Net Return from Irrigation by Region, 2012-2016

Net returns from irrigation for soybeans in Kansas have been more divergent between 2012–2016, as evidenced by Chart II. While a similar trend was evidenced for soybeans and corn for the years 2012–2014, a larger than expected premium was notated for soybeans in Southwest Kansas for 2014. Additionally, while corn has seen a recovery in all regions of net return from irrigation in 2016, the only region experiencing this for soybeans is North Central Kansas. Northwest and Southwest Kansas continued to see reduced net returns, while North Central Kansas saw a moderate increase to net return from irrigation. The 5-year average (2012–2016) net return from irrigation for soybeans was $23.20 in Southwest Kansas, $16.44 in Northwest Kansas, and $39.96 in North Central Kansas.

Figure III: Five-Year Average Return from Irrigation, 2012–2016

	Southwest	Northwest	North Central
Corn	$ 146.48	$ 127.71	$ 81.36
Soybeans	$ 23.20	$ 16.44	$ 39.96

Special Committee on Natural Resources
Kansas Water Office

October 31, 2017

Kansas
Water Office

Overview

- Water Resource Funding in Kansas
  - Local, State, Federal
  - State Water Plan Fund (Historic and Current)
- Research, Development, and Implementation
  - Reservoir Storage – Coordination and Monitoring
  - Water Quality – Coordination and Monitoring – Presented by KDHE
  - Ground Water – Coordination and Monitoring
- Decision Making: Coordination and Collaboration
  - Kansas Water Authority
- Kansas Water Authority – SGF/EDIF Transfers - FY2018 and FY2019 Enhancements
- Kansas Water Authority and Blue Ribbon Task Force: Priority Projects

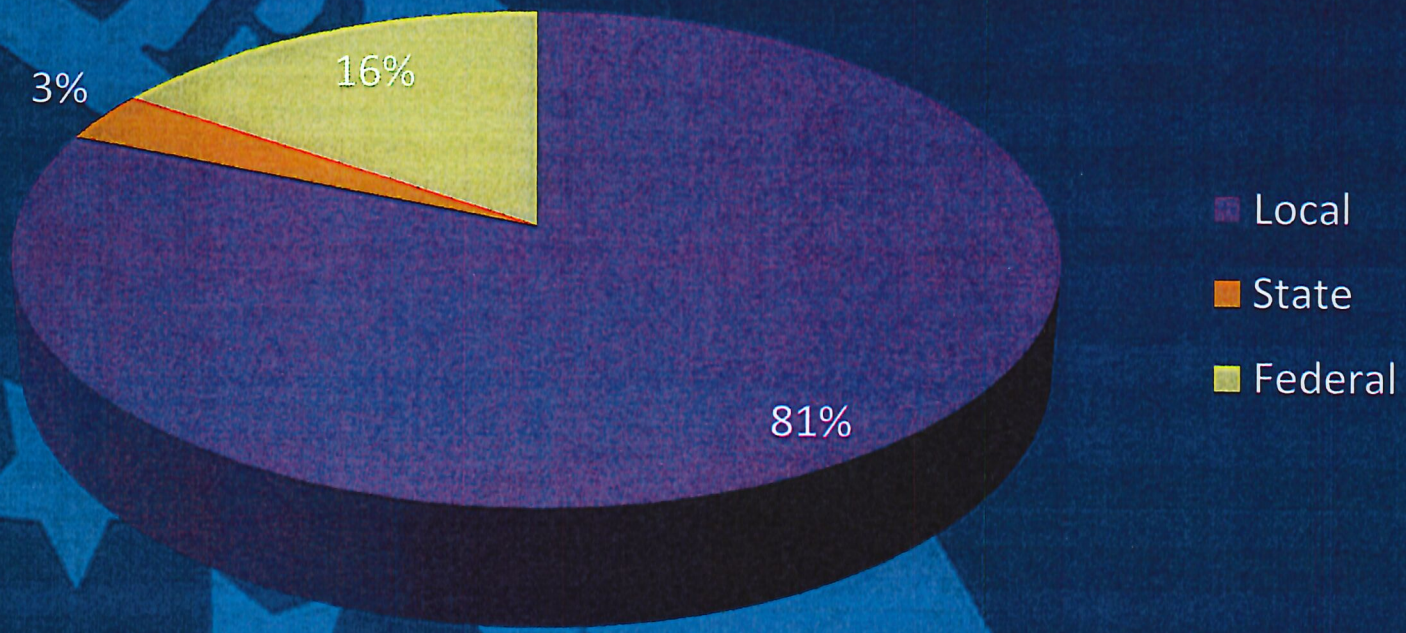
Kansas Water Office

Water Resource Funding in Kansas

Funding Resource	Funding
Local	
Public Water Supply Systems	$ 559,270,800
Waste Water Systems	TBD
Groundwater Management Districts	$ 3,190,309
Counties/Conservation Districts	$ 3,072,980
Watershed Districts	$ -
Local Match for Corps Projects	$ 687,291
KBID/Republican River - Average..?	$ 1,000,000
Local Match for CDBG Projects	$ 82,890
Western Water Conservation Project Fund	$ 1,620,772
Local Total	**$ 568,925,042**
State	
State Water Plan Fund	$ 13,254,974
State General Fund	$ 4,380,881
Fee Fund	$ 811,938
Water Marketing	$ 3,321,895
Water Assurance	$ 407,287
Access District	$ 51,224
Watershed Districts	$ 511,076
State Total	**$ 22,739,275**
Federal	
Environmental Protection Agency	$ 245,000
Federal Grants	$ 25,137,836
Research Grants	TBD
USDA - NRCS	$ 15,373,487
NRCS - RCPP	$ 7,481,420
NRCS - Watershed Rehab Project Funding	$ 140,000
NRCS - Emergency Watershed Protection Program	$ 2,241,150
NRCS - CIG	$ 872,246
USDA - Rural Development	$ 25,366,500
Department of Commerce - CDBG	$ 5,370,955
Corps of Engineers	$ 7,859,479
Corps of Engineers - O&M	$ 12,260,555
Bureau of Reclamation	$ 4,054,835
USGS	$ 4,000,000
FEMA	TBD
Federal Total	**$ 110,403,463**

Kansas Water Office

Water Resource Funding in Kansas



Kansas
Water Office

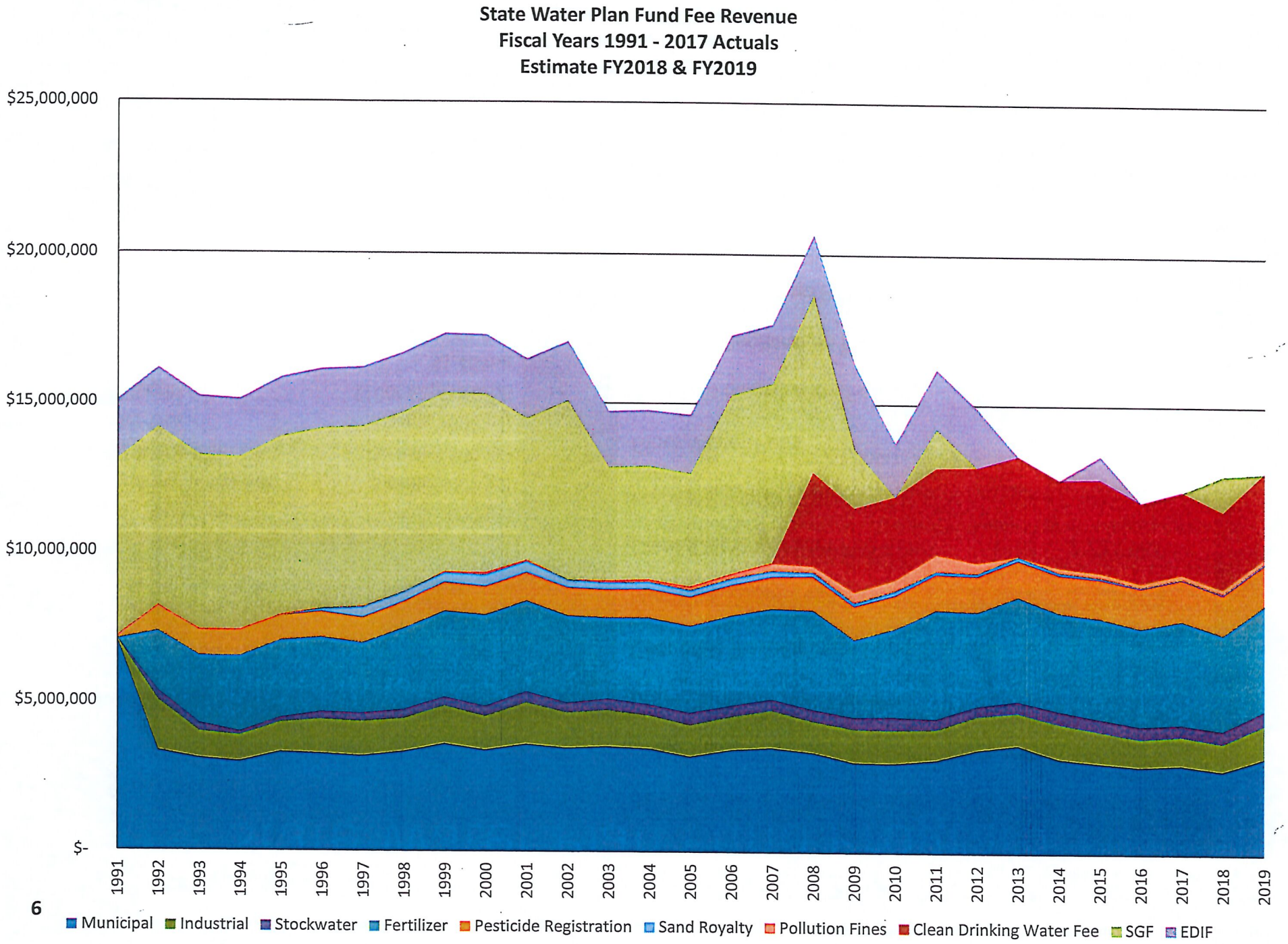
State Water Plan Fund Program

- Established in 1989
- K.S.A. 82a-951
- Implement Water Related programs or projects

Source	Rate
Municipal Water Use	3 cents/1000 gal
Clean Drinking Water Fee	3 cents/1000 gal
Industrial Water Use	3 cents/1000 gal
Stockwater Use	3 cents/1000 gal
Pesticide Registration	$100/ Registration
Fertilizer Inspections	$1.40/ton
Pollution Fines and Penalties	Est. $150,000
Sand Royalty Receipts	$0.15 / ton
EDIF Transfer - Statutory	$ 2,000,000
State General Fund Transfer	$ 6,000,000

REVENUES	FY2017 Actuals
State General Fund Transfer	$ -
Economic Development Fund Transfer	$ -
Municipal Water Fees	$ 3,028,509
Clean Drinking Water Fee Fund	$ 2,724,051
Industrial Water Fees	$ 973,133
Stock Water Fees >1,000	$ 387,655
Pesticide Registration Fees	$ 1,359,410
Fertilizer Registration Fees	$ 3,491,049
Pollution Fines and Penalties	$ 152,205
Sand Royalties	$ 21,975
Total Receipts	**$ 12,137,986**

Kansas Water Office


State Water Plan Fund Fee Revenue
Fiscal Years 1991 - 2017 Actuals
Estimate FY2018 & FY2019
$25,000,000
$20,000,000
$15,000,000
$10,000,000
$5,000,000
$-
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
Municipal
Industrial
Stockwater
Fertilizer
Pesticide Registration
Sand Royalty
Pollution Fines
Clean Drinking Water Fee
SGF
EDIF

State Water Plan Fund

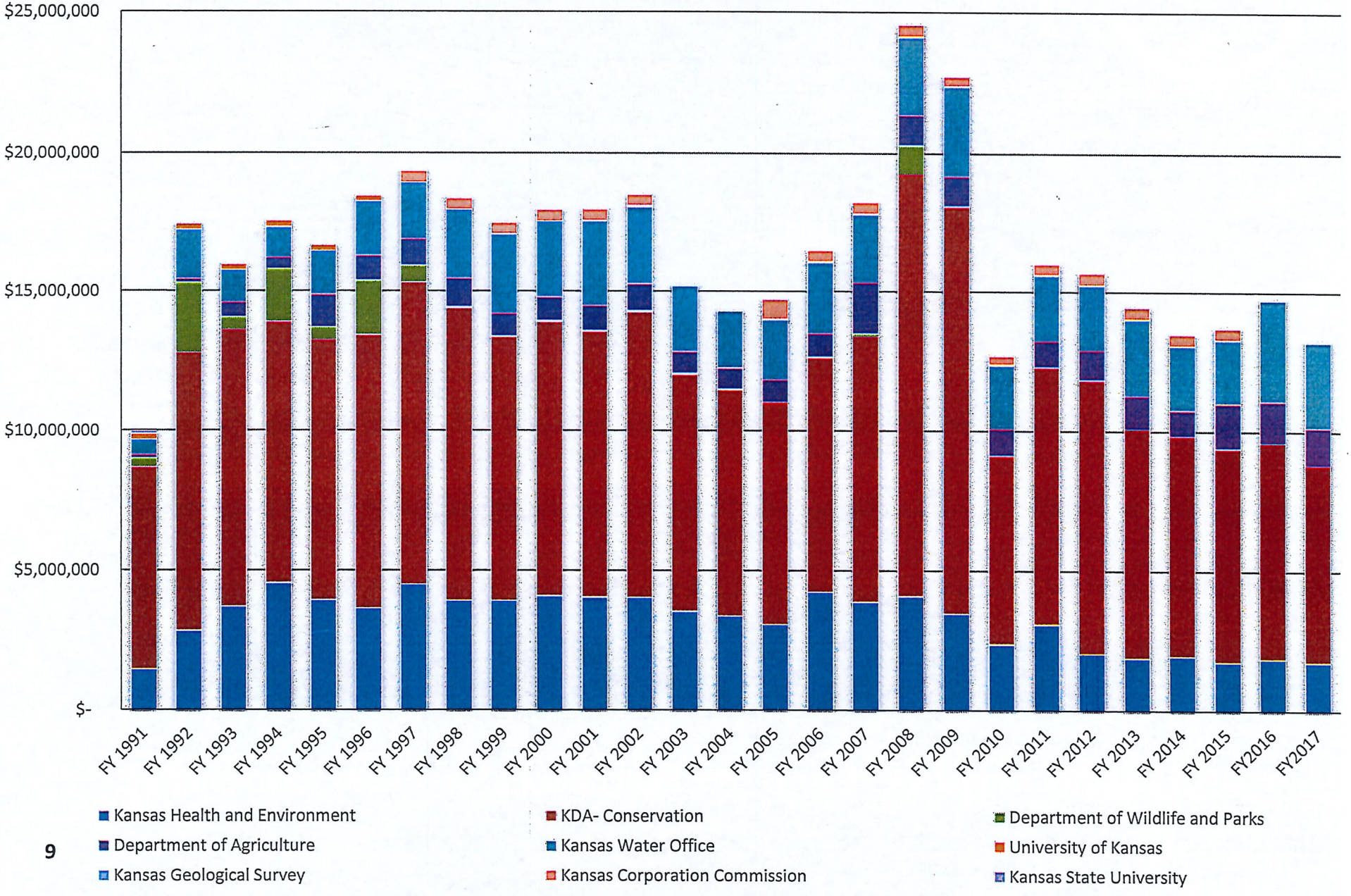
Agency/Program	FY2017 Actuals	FY2017 Carry forward	FY2018 Appropriated	w/Carry Forward	FY2018 Enhancement	FY2019 Appropriated
Department of Health and Environment						
Contamination Remediation-1802	$ 654,095	$ 34,206	$ 602,824	$ 637,030	$ -	$ 688,301
TMDL Initiatives-1805	$ 244,057	$ 34,250	$ 216,114	$ 250,364	$ -	$ 276,307
Nonpoint Source Program-1804	$ 297,768	$ 7,000	$ 238,540	$ 245,540	$ -	$ 298,980
Watershed Restoration and Protection	$ 555,884	$ -	$ 555,000	$ 555,000	$ -	$ 555,884
Total--Department of Health and	**$ 1,751,804**	**$ 75,455**	**$ 1,612,478**	**$ 1,687,933**	**$ -**	**$ 1,819,472**
University of Kansas--Geological Survey	**$ 26,841**	**$ -**	**$ 26,841**	**$ 26,841**	**$ -**	**$ 26,841**
Department of Agriculture						
Interstate Water Issues-0070	$ 451,841	$ 37,884	$ 392,413	$ 430,297	$ -	$ 492,000
Subbasin Water Resources Management-80	$ 780,713	$ 132,688	$ 407,149	$ 539,837	$ -	$ 610,808
Water Use-75	$ 107,488	$ 55,810	$ 64,368	$ 120,178	$ -	$ 72,600
Water Resources Cost Share-1205	$ 2,041,643	$ 81,023	$ 1,727,387	$ 1,808,410	$ -	$ 1,948,289
Nonpoint Source Pollution Asst.-1210	$ 1,866,556	$ 128,109	$ 1,502,909	$ 1,631,018	$ -	$ 1,858,350
Aid to Conservation Districts-1220	$ 2,092,637	$ -	$ 2,000,000	$ 2,000,000	$ -	$ 2,092,637
Watershed Dam Construction-1240	$ 559,353	$ 17,081	$ 511,076	$ 528,157	$ -	$ 550,000
Water Quality Buffer Initiative-1250	$ 179,893	$ 177,008	$ 88,662	$ 265,670	$ -	$ 200,000
Riparian and Wetland Program-1260	$ 158,892	$ 203	$ 135,343	$ 135,546	$ 281,312	$ 152,651
Water Supply Restoration Program-1275	$ -	$ -	$ -	$ -	$ -	$ -
Water Transition Assistance Program/CREP	$ 178,572	$ 71,114	$ 177,141	$ 248,255	$ -	$ 200,000
	$ 8,417,588	**$ 700,920**	**$ 7,006,448**	**$ 7,707,368**	**$ 281,312**	**$ 8,177,335**
Kansas Water Office						
Assessment and Evaluation	$ 545,732	$ 94,023	$ 500,000	$ 594,023	$ -	$ 450,000
GIS Database Development	$ 112,306	$ -	$ 50,000	$ 50,000	$ -	$ -
MOU - Storage Operations & Maintenance	$ 302,066	$ -	$ 363,699	$ 363,699	$ -	$ 350,000
Stream Gaging	$ 431,282	$ -	$ 350,000	$ 350,000	$ -	$ 431,282
Technical Assistance to Water Users	$ 377,646	$ 96,479	$ 325,000	$ 421,479	$ -	$ 325,000
Kansas Alluvial			$ 100,000	$ 100,000	$ -	$ -
Bathymetric Study			$ 100,000	$ 100,000	$ -	$ -
Streambank Stabilization	$ 400,000	$ -	$ 1,000,000	$ 1,000,000	$ -	$ -
Total--Kansas Water Office	**$ 2,169,032**	**$ 190,502**	**$ 2,788,699**	**$ 2,979,201**	**$ -**	**$ 1,556,282**
7						
Total State Water Plan Expenditures	**$ 12,365,265**	**$ 966,877**	**$ 11,434,466**	**$ 12,401,343**	**$ 281,312**	**$ 11,579,930**

History of SGF and EDIF Transfer

	SGF Transfer	EDIF Transfer	Transfers Not Made
FY1991	$ 5,895,000	$ 2,000,000	$ 105,000
FY1992	$ 5,940,000	$ 2,000,000	$ 60,000
FY1993	$ 5,820,000	$ 2,000,000	$ 180,000
FY1994	$ 5,760,000	$ 2,000,000	$ 240,000
FY1995	$ 5,932,800	$ 2,000,000	$ 67,200
FY1996	$ 6,000,000	$ 2,000,000	$ -
FY1997	$ 6,000,000	$ 2,000,000	$ -
FY1998	$ 6,000,000	$ 2,000,000	$ -
FY1999	$ 6,000,000	$ 2,000,000	$ -
FY2000	$ 6,000,000	$ 2,000,000	$ -
FY2001	$ 4,750,000	$ 2,000,000	$ 1,250,000
FY2002	$ 5,981,400	$ 2,000,000	$ 18,600
FY2003	$ 3,773,949	$ 1,900,000	$ 2,326,051
FY2004	$ 3,773,949	$ 1,900,000	$ 2,326,051
FY2005	$ 3,748,839	$ 2,000,000	$ 2,251,161
FY2006	$ 6,000,000	$ 2,000,000	$ -
FY2007	$ 6,000,000	$ 2,000,000	$ -
FY2008	$ 6,000,000	$ 2,000,000	$ -
FY2009	$ 2,000,000	$ 2,846,126	$ 3,153,874
FY2010	$ -	$ 1,948,884	$ 6,051,116
FY2011	$ 1,348,245	$ 2,000,000	$ 4,651,755
FY2012	$ -	$ 2,000,000	$ 6,000,000
FY2013	$ -	$ 2,000,000	$ 6,000,000
FY2014	$ -	$ -	$ 8,000,000
FY2015	$ -	$ 800,000	$ 7,200,000
FY2016	$ -	$ -	$ 8,000,000
FY2017	$ -	$ -	$ 8,000,000
FY2018	$ 1,200,000	$ -	$ 6,800,000
Total			$ 72,680,808

Kansas Water Office

Historical State Water Plan Fund Expenditures
FY1991 - FY2017



Reservoir Storage - Coordination

- Research
  - Reservoir Roadmap
  - Includes previous scientific studies
  - Targeting action based on most significant issues
- Implementation
  - Multiple agencies across activities
  - Coordination of activities across issues

Kansas Water Office

Reservoir Storage - Coordination

- Implementation – Streambank
  - KWO, KDA-DOC, KDHE, and KFS
  - Identification of available funding
  - Target projects based on cost/benefit, funding, and readiness
  - Coordinate riparian buffer strips with streambank

Kansas Water Office

Reservoir Storage - Monitoring

- Bathymetry
  - Measure of in-reservoir storage and change over time
  - Used in determining reservoir yield
- Suspended sediment monitoring
  - Determine conditions of sediment flow and change over time
- Edge of field
  - Historic research on practice effectiveness

Kansas Water Office

Water Quality Programs in the Vision

Presented In Order of Priority:

- #1. Harmful Algal Bloom Pilot
  - – Assess the effectiveness of treatment techniques in Milford Reservoir.
  - – Requesting $500,000 per year
- #2. Kansas Watershed Restoration & Protection Strategy (WRAPS) – Implement plans to restore water quality.
  - – Total Need is $20M/30 years. Vision request is $15.5M/yr
- #3. Streambank Stabilization – Defer to KWO

Water Quality Programs in the Vision

Presented In Order of Priority:

- #4. Drinking Water Protection Program – Ensure all Kansans have a source of clean, healthy, affordable drinking water by planning and implementing strategies to prevent and mitigate contamination of public water supply systems.
  - Enhancement request is $2M/yr.

Groundwater - Coordination

- Research
  - Historic water use and water level monitoring
  - GW computer modeling of all major areas
  - Economic modeling and tracking
- Implementation
  - Multiple federal, state and local agencies
  - Promotion with individuals and private companies

Kansas Water Office

Groundwater - Coordination

- Implementation – LEMAs and WCAs
  - KDA-DWR, KWO, GMDs and individual water right holders
  - Use of water level and water use to identify areas
  - Use of computer models to determine likely success of various reduction alternatives
  - Coordination with other management actions
    - Technology and incentives

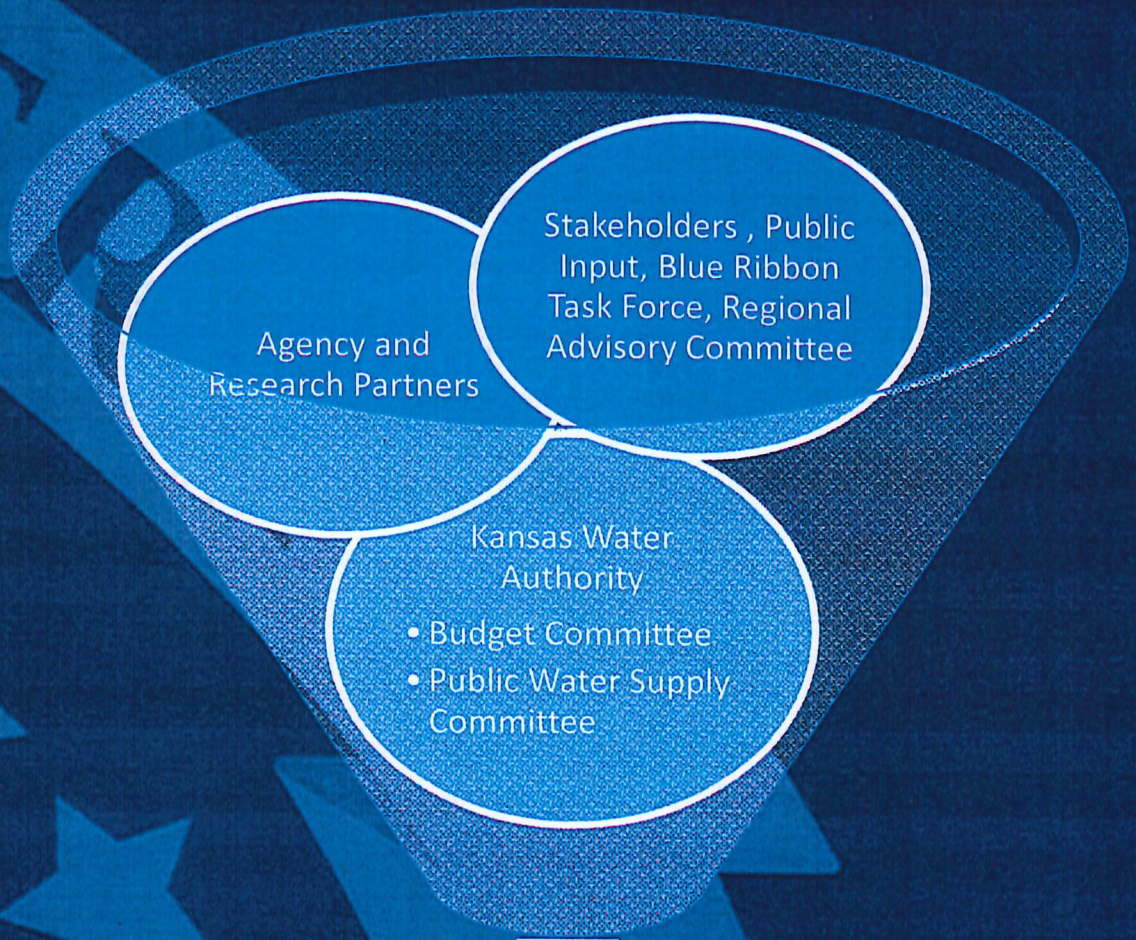
Kansas Water Office

Groundwater - Monitoring

- Water use data is tracked individually and by area over time
- Water levels are measured annually
  - Index wells used for near real time monitoring
- Individual producers volunteer information for economic evaluation
- Through Water Technology Farms – various technology is evaluated
  - Soil moisture probes
  - Sprinkler nozzle/surface drip packages

Kansas Water Office

Decision Making: Coordination and Collaboration



Budget Process

- Division of Budget
- Governor
- Legislature

Kansas Water Office

Kansas Water Authority

- KWA is statutorily within and a part of the KWO
  - 13 Members – Appointed by the Governor or Legislature
  - 11 Ex-Officio (State Agency/research representatives)
- Responsible for advising the Governor, Legislature and KWO Director on water policy issues and programs

Kansas Water Office

Kansas Water Authority

- Budget Committee
  - State Water Plan Fund
  - Annual Report to the Governor and the Legislature
- Public Water Supply Committee
  - Comprehensive Capital Development Plan
- Kansas Water Resources Institute (KWRI)
  - Three members appointed by KWA Chairman

Kansas Water Office

Kansas Water Authority Priority Projects
State Water Plan Fund SGF/EDIF Transfer - FY2018 & FY2019 Enhancements

Water Conservation	FY2018	FY2019
Vision Strategic Education Plan	$0	$500,000
Watershed Conservation Practice Implementation – BMP Team	$0	$1,800,000
Milford Lake Watershed RCPP Project	$200,000	$200,000
Streambank Stabilization	$0	$1,000,000
Water Management		
Harmful Algae Bloom Pilot	$400,000	$500,000
Contamination Remediation	$0	$400,000
Interstate Water Compact Compliance	$0	$100,000
Water Structures Inspections	$0	$200,000
Technology and Crop Varieties		
Irrigation Technology	$0	$1,000,000
Water Technology Farms	$0	$250,000
Vision Implementation Research – Research Coordination Group	$0	$500,000
Telemetry	$0	$850,000
Additional Sources of Supply		
Waters Leaving the State Evaluation	$0	$200,000
Equus Beds Chloride Plume Project	$0	$500,000
FY2018 & FY2019 Enhancement Request Total	$600,000	$8,000,000

Kansas Water Office

Blue Ribbon Task Force and Kansas Water Authority Vision Implementation Priority Projects

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
Water Conservation	$ 13,030,000	$ 15,775,000	$ 21,075,000	$ 27,075,000	$ 28,825,000
Strategic Education Plan	$ 3,030,000	$ 3,275,000	$ 2,575,000	$ 2,575,000	$ 2,575,000
Watershed BMP Implementation	$ 6,500,000	$ 8,500,000	$12,500,000	$16,500,000	$17,500,000
Streambank Stabilization	$ 2,500,000	$ 3,000,000	$ 5,000,000	$ 6,000,000	$ 6,750,000
Construction of Watershed Dams	$ 1,000,000	$ 1,000,000	$ 1,000,000	$ 2,000,000	$ 2,000,000
Water Management	$ 240,000	$ 275,000	$ 225,000	$ 175,000	$ 125,000
Planning & Technical Assistance for PWS	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
Kansas River Monitoring and Modeling	$ 40,000	$ 125,000	$ 125,000	$ 75,000	$ 25,000
Kanopolis Reallocation Feasibility Study	$ 100,000	$ 50,000	$ -	$ -	$ -
Technology and Crop	$ 4,550,000	$ 6,100,000	$ 7,100,000	$ 6,600,000	$ 6,600,000
Irrigation Technology Adoption	$ 1,000,000	$ 1,500,000	$ 2,000,000	$ 2,000,000	$ 2,000,000
Less Water Intensive Crop Research/Ag Research	$ 2,000,000	$ 3,000,000	$ 3,500,000	$ 3,500,000	$ 3,500,000
High Plains Aquifer Monitoring and Modeling	$ 140,000	$ 190,000	$ 190,000	$ 190,000	$ 190,000
Sediment Monitoring and Collection	$ 350,000	$ 350,000	$ 350,000	$ 350,000	$ 350,000
Stream Gaging Network	$ 500,000	$ 500,000	$ 500,000	$ 500,000	$ 500,000
Livestock Water Supply Research & Implementation	$ 500,000	$ 500,000	$ 500,000	$ -	$ -
LiDAR Acquisition	$ 60,000	$ 60,000	$ 60,000	$ 60,000	$ 60,000
Additional Sources	$ 24,865,000	$ 29,300,000	$ 24,263,057	$ 19,998,658	$ 19,453,694
Identify additional reservoir sites & Feasibility	$ -	$ 200,000	$ 100,000	$ -	$ 100,000
Model to Assess Chloride Remediation of Equus Beds	$ 200,000	$ -	$ -	$ -	$ -
Modeling and remediation of brackish water	$ 500,000	$ 630,000	$ 750,000	$ 1,000,000	$ 1,000,000
Research Treatment of Lower Quality Water	$ 120,000	$ 120,000	$ -	$ -	$ -
Call into service storage at Milford and Perry	$ 6,500,000	$24,000,000	$ 9,000,000	$ -	$ -
Additional Operation and Maintenance			$ 313,057	$ 1,398,658	$ 1,753,694
Construct MPSL reservoirs	$ -	$ 1,250,000	$ 2,000,000	$ 3,000,000	$ 2,000,000
Minimum Pool Agreements in the Solomon-Republican	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
Sediment Removal	$16,445,000	$ 1,000,000	$10,000,000	$12,500,000	$12,500,000
Drinking Water Protection Program	$ 1,000,000	$ 2,000,000	$ 2,000,000	$ 2,000,000	$ 2,000,000
Demand Total	$42,685,000	$51,450,000	$52,663,057	$53,848,658	$55,003,694
Existing Revenue Supporting Vision Implementation	$ 4,800,000	$ 4,800,000	$ 4,800,000	$ 4,800,000	$ 4,800,000

Special Committee on Natural Resources

Kansas
Department of Health and Environment

October 31, 2017

John Mitchell, Division of Environment Director
Jaime Gaggero, Bureau of Water Director
Kansas Department of Health & Environment

Our Mission: To Protect and Improve the Health and Environment of all Kansans

Water Quality Projects & Programs

Presentation Categories In Order of Priority:

- #1. Water Quality Programs in the Vision
- #2. Water Quality Programs funded by State Water Plan but are not in the Vision
- #3. New conceptual water quality programs not currently funded with state resources

Water Quality Programs in the Vision

Presented In Order of Priority:

- #1. Harmful Algal Bloom Pilot - Assess the effectiveness of treatment techniques in Milford Reservoir.
  - Requesting $500,000 per year
- #2. Kansas Watershed Restoration & Protection Strategy (WRAPS) – Implement plans to restore water quality.
  - Total Need is $20M/30 years. Vision request is $15.5M/yr
- #3. Streambank Stabilization – Defer to KWO

Water Quality Programs in the Vision

Presented In Order of Priority:

- #4. Drinking Water Protection Program – Ensure all Kansans have a source of clean, healthy, affordable drinking water by planning and implementing strategies to prevent and mitigate contamination of public water supply systems.
  - Enhancement request is $2M/yr.

Water Quality Programs funded by the State Water Plan but not in the Vision

- #5. TMDL– Harmful Algal Bloom Response Program - Quickly and reliably provide current information to the general public regarding the status of a possible Algal Bloom to reduce the risk of exposure to humans, pets and livestock.
  - Enhancement request = $175,000/yr
- #6. Contamination Remediation - The program objective is to protect human health and the environment from contamination at orphaned sites.
  - Enhancement request = $400,000/yr

New Conceptual Programs

- #7. Lead & Copper Testing Assistance for Schools and Daycare Facilities: Ensure safe drinking water for students and children by providing technical and financial resources for school and daycare facilities to test for lead and copper.
  - $1 million/year for 3 years
- #8. Small Community Infrastructure Program: Pilot a state loan program for small communities for drinking water and wastewater infrastructure repair/maintenance.
  - Pilot Program Budget: $2 million/year

New Conceptual Programs

- #9. Onsite Wastewater Financial Assistance: For priority systems, offer cost-share to repair failing septic systems.
  - Local sanitarians conduct a Watershed Assessment of failing septic systems in watersheds with nutrient issues. Prioritize failing systems.
  - $2 million per year for 20 years.
- #10. Livestock Waste Closure Program: offer cost-share program to close long standing waste retention structures. Target watersheds with nitrates in groundwater or nutrient issues in surface water.
  - $1M SFY19 only

Jaime Gaggero
Director, BOW
jgaggero@kdheks.gov
www.kdheks.gov/water/www.html

Kansas
Department of Health
and Environment

Comments to
Special Committee on Natural Resources
Regarding HB 2428
Submitted by: Kansas Biological Survey
October 31, 2017

Chairman Sloan and members of the Committee, my name is Ed Martinko. I am the State Biologist and Director of the Kansas Biological Survey, and I would like to thank you for the opportunity to speak before the Committee. The Biological Survey is a research and service unit of the University of Kansas and a non-regulatory agency of the State.

Water is fundamental to the economy of Kansas. The need for water infuses and permeates every aspect of life in our state, from the irrigation that supports our agriculture to the drinking water that our residents use every day in their homes and places of work. Indeed, nearly 60% of Kansas residents rely on surface water supplies for their drinking water. Because Kansas has so few natural lakes, over time our residents have constructed more than 200,000 reservoirs across the state, from small farm ponds to the great federal reservoirs that collectively provide multiple economic benefits in the form of drinking water, irrigation, flood control, and recreation. Reservoirs are critical infrastructure that provides economic returns that far exceed the billions of dollars that have been invested to build these lakes in the state.

The Kansas Biological Survey (KBS) seeks support to continue and expand its work with the quantity and quality of Kansas surface water supplies. Together with other agencies, government, organizations, universities, and the public, we are trying to best address the state's continuing loss of surface water storage to sedimentation and the occurrence of harmful algal blooms (HABs) affecting the quality of these water resources. Over the last decade, KBS and the Kansas Water Office (KWO) completed the first comprehensive bathymetric mapping of the water storage capacities of 80 federal and state reservoirs, providing the current assessment of their storage loss to sediment infilling. Cores of sediment have also been extracted from reservoirs to study the conditions of infilling sediments to better understand their source and the feasibility of physically removing them. KBS has also been closely involved with KWO and others in two State-supported dredging projects over the past decade.

HABs, also known as blue-green algae blooms, seem to be increasing in frequency and toxicity in Kansas. HABs have occurred in more than 20 Kansas reservoirs annually since 2011 and have caused multiple animal fatalities and human illnesses. HABs occurred again in summer 2017 in our largest reservoirs, as well as smaller reservoirs monitored by the Kansas Department of Health and Environment (KDHE). KBS continues to study reasons for their occurrence and toxicity for wildlife and human safety. Collections of HABs were pumped from Milford and Marion reservoirs and transported to experimental outdoor tanks at KBS's Aquatic Research Facility of 100 ponds, 80 tanks, and an experimental reservoir at the University of Kansas Field Station. Here studies are ongoing to better understand why toxic blooms occur and to develop and test effective HAB management practices.

In 2017 KBS examined degraded Kansas streams to determine the conditions of their channels, from which more current sediment to reservoirs is suspected to be sourced and where streambank stabilization and watershed conservation activities have been implemented. The longstanding Kansas Applied Remote Sensing program within KBS has continued to update watershed conditions including land use and land cover for the entire state and is now incorporating the new highly sensitive LiDAR terrain data. KBS, with many others in the state, must better identify the specific causes for our surface water challenges then determine how these causes become effects that can be best controlled. Management actions can then be implemented, followed by assessment of their effectiveness quantitatively.

Continuing into the future, KBS must secure support to fulfill its role within the State's water vision, together with other state agencies, in addressing all challenges for our surface water supplies in Kansas. We propose to continue to focus on the areas of our contributions identified above and listed below, and to be prepared to work with others to address additional current and future challenges.

(1) For the immediate future we will continue our program with KWO of bathymetrically mapping federal and state reservoirs, particularly ones providing drinking water supply. We will follow change in storage capacity for those previously measured and where management actions are being taken but also where they have not yet been taken. We are currently proposing to map John Redmond Reservoir this year, following the state's $20 million dredging project completed last year. New bottom maps are needed to examine sediment dynamics and develop predictions of how fast the dredged area in John Redmond will refill with sediment. This will provide the first measures of bottom sediment movement, which will in turn be used to help determine the feasibility of passively flushing sediments downstream of reservoirs.

(2) We will increase the coring of sediment deposits in selected federal and state reservoirs to better determine causes of sedimentation, because treating sedimentation causes will lead to effective management solutions. Additionally, we are currently examining a new sediment core analysis method that reconstructs the historic presence of toxic cyanobacteria. Reconstructing historical HABs will allow us to link changes that have occurred in the watershed and environmental factors to HAB occurrence back to the first filling of the reservoir.

(3) We will continue to map and take sediment cores from state owned and operated reservoirs not designated for drinking water, and we will be guided by concerns from the Kansas Department of Wildlife, Parks and Tourism. We will also continue to examine the much more numerous smaller impoundments located throughout the state. Kansas has more than 200,000 impoundments of all sizes and, though the 24 federal reservoirs hold three times more water than all of the others combined, as much as half of the watershed flow to each of the 24 reservoirs first passes through the smaller reservoirs. We know little about the condition of these smaller impoundments, which are prominent in the watersheds of our large federal reservoirs. Are these smaller impoundments still capturing some sediment before it reaches larger reservoirs, or, with age, have they become another sediment source?

(4) We will continue to work with HABs to determine the cause of occurrence and develop and test HAB management solutions. Working with KDHE, we will seek effective management

including watershed recommendations, whole-lake and site-specific actions, including mechanical and chemical removal for beaches, local city shorelines, and marinas. Managing for water quantity and quality in some cases requires different strategies. For example, HABs have occurred in some our least infilled largest reservoirs including Marion, Milford, Webster, and Cheney in recent years, indicating that the causes of HABs cannot always be treated by reducing sediment from reservoir watersheds.

(5) Working with the Kansas Geological Survey (also a state agency at the University of Kansas) and with KWO, projects are under way and also being initiated to examine stream channel erosion and restoration. With more infill possibly reaching reservoirs from this source, restoration projects have been supported by the State and developed through KWO, the Department of Agriculture and Kansas State University. We will support these efforts with further cause-and-effect studies for the most effective management of reservoir sedimentation.

(6) The challenges for Kansas surface water supply focused on here by KBS are not the only ones that the state faces, nor are the organizations included here the only ones addressing issues. Now and for the future KBS intends to provide support wherever it is needed, provided that KBS is adequately supported.

Annual Recurring Expenses to address **bathymetric mapping** priorities, **HABs field and tank research and management solution studies**, and cooperative **stream channel erosion** studies with the Kansas Geological Survey:

- Field Biologists, 2 Full time
- Graduate Student Field and Laboratory Assistants, 4 Half time
- Direction, Planning, and Supervision, 1 Quarter time faculty
- Field Vehicle and Travel Expenses within Kansas
- Field and Laboratory Equipment and Boat Maintenance, Replacement, Upgrades, and Instrument Calibration

Estimates Annual Recurring Expenses: $500,000

Again, thank you for the opportunity to speak before the committee, and I would be happy to answer any questions you might have.

KANSAS GEOLOGICAL SURVEY
The University of Kansas

TESTIMONY
Special Committee on Natural Resources
Rolfe Mandel, Director
Kansas Geological Survey
31 October 2017

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear before you today. My name is Dr. Rolfe Mandel. I am the director of the Kansas Geological Survey (KGS). With me is Dr. Jim Butler, head of the KGS Geohydrology Section. The KGS is a research and service division of the University of Kansas. Our mission is to study and report on the state's natural resources and hazards. We do not have any regulatory responsibility and we do not take positions on policy. We do provide credible information that informs policy decisions.

Our primary focus is on energy and water issues. On the water side, our primary focus is groundwater, and we provide a number of services related to it. Every January we work with the Division of Water Resources (DWR) in the Kansas Department of Agriculture to measure groundwater levels in central and western Kansas, providing a snapshot of current conditions and long-term trends. We collect and disseminate logs from water wells drilled in the state, information that is useful both for understanding the state's subsurface, and for individuals and businesses interested in drilling water wells. We provide support to the state's water agencies and to local water-related governmental units, such as groundwater management districts (GMDs). This support includes working with the DWR to develop an on-line reporting system for state water use data, linking those data to well log and water-level data bases (state master well inventory), assisting GMDs in reviewing management approaches, and creating numerical groundwater flow models to assess a range of possible future conditions.

As I mentioned, the KGS role is one of research and reporting. We do not take positions on policy. However, the Chairman asked us to discuss our priorities for water research, and we do so with the understanding that our priorities are those programs and efforts that enable us to better understand the state's water resources and better provide the information that informs water policy. I currently serve as an *ex officio* member of the Kansas Water Authority. As such, my predecessor was involved with the development of the Kansas Water Plan and in defining a long-term water vision for the state of Kansas.

Our highest priorities for groundwater are directed at addressing major groundwater challenges that the state will face in the coming decades.

Our first groundwater priority relates to the High Plains aquifer. The High Plains aquifer, which includes the well-known Ogallala aquifer, is the most important water source for much of western and south-central Kansas, supplying 70 to 80% of the water used by Kansans each day. Water from the High Plains aquifer supports the region's cities, industry, and much of its agriculture. However, large-volume pumping from this aquifer has led to steadily declining water levels in the western portion of the region, and the area faces critical water-related issues. The public information circular attached to my testimony provides information about the High Plains aquifer and its current status.

The KGS is deeply involved in numerous studies focused on the High Plains aquifer. The specific priorities of the KGS regarding the High Plains aquifer are as follows:

a. Continuation and Expansion of the Ogallala-High Plains Aquifer Assessment Program
The Ogallala-High Plains Aquifer Assessment provides data, research, and technical support to assist the three western GMDs, the Kansas Water Office, and the DWR in the assessment, planning, and management of the groundwater resources of western Kansas. Examples of assistance include providing information on water use, water levels, water rights, hydrogeologic characteristics, and groundwater quality of the aquifer. Most recently, the KGS has developed a tool for potential Local Enhanced Management Area (LEMA) and Water Conservation Area (WCA) groups to quickly assess how much reduction in water-level declines will be achieved by a given reduction in pumping. What we have found is that relatively modest reductions in pumping (20%) will have a large impact on water-level declines in western Kansas. It is no exaggeration to say that this work has very significant ramifications for the future of irrigated agriculture in western Kansas. My colleague, Jim Butler, presented our findings as part of the mid-July press events he did in western Kansas with Governor Brownback and Lieutenant Governor Colyer. Although much progress has been made, as we reported there, we have yet to answer a key question: What is the long-term impact of pumping reductions? We need to expand the research component of the Ogallala-High Plains Aquifer Assessment Program in order to evaluate the long-term prospects of the aquifer, an issue of critical importance for western Kansas. The two graphs attached to my testimony are examples of our findings for the Sheridan-6 LEMA in northwestern Kansas.

b. Continuation and Expansion of the Index Well Program
The High Plains Aquifer Index Well Program is directed at developing improved approaches for measuring and interpreting water-level responses at the section to township scale in western and south-central Kansas. The project, which began in 2007 with the installation of three wells in the three western GMDs with equipment for real-time monitoring of water levels, has been expanded to a network of 14 wells in four GMDs; these include one well in the Sheridan-6 LEMA and one on the Willis Water Technology Farm. Fifteen additional wells in the program have equipment for continuous, but not real-time, monitoring of water levels. The highly detailed information obtained through this program is critical for reliable assessment of how the aquifer responds throughout the growing season and what the future holds for the High Plains aquifer in western and south-central Kansas.

c. Continuation of GMD Modeling Studies
Aquifer models have been developed for each of the GMDs by the KGS and others. These models are used to assess the aquifer response to various proposed future pumping and climatic conditions, so they must be periodically (every five years) updated to stay current. In addition, individual GMD models should be gradually combined to better represent the long-term behavior of the aquifer to future pumping and climatic stresses.

These priorities are generally reflected in the state water plan and in the water vision implementation plan. However, the expansion of the Ogallala-High Plains Aquifer Assessment Program has yet to be reflected in those documents.

Our second groundwater priority relates to the Kansas River alluvial aquifer. This aquifer provides water from the alluvium, or geologic material that surrounds the river bed. The Kansas River corridor is projected to continue to be a major area of population and economic expansion in the coming decades, and the groundwater from the Kansas River alluvial aquifer will be utilized to help support that expansion. Currently, however, we have insufficient information to reliably assess how water levels in the aquifer and the Kansas River will respond to an increase in pumping. Management of groundwater storage in the aquifer in conjunction with management of reservoir system storage requires this information. The KGS is focused on improving our understanding of this aquifer and its relationship to Kansas River flow through the following activities:

a. Observation Well Network in the Kansas River Alluvial Aquifer
This network, which will be similar to the index well network in the High Plains aquifer, is in the process of being established. A series of wells with equipment for real-time monitoring of water levels is being installed from upstream of Manhattan to the junction with the Missouri River. The information obtained from these wells will be used to develop a better understanding of how water levels respond to current pumping activity and how the aquifer and the Kansas River interact. The program began earlier this fall and we anticipate that ten wells will be installed by June of 2018.

b. Development of a Groundwater Model of the Kansas River Alluvial Aquifer
This model will extend from upstream of Manhattan to the junction with the Missouri River and would be used to examine the effects of future aquifer development on groundwater and river levels, as well as how river flow controlled by reservoir operations affects aquifer water levels. The model will be updated every five years so that the state has a tool based on the most current data to evaluate future conditions in this most important aquifer in eastern Kansas.

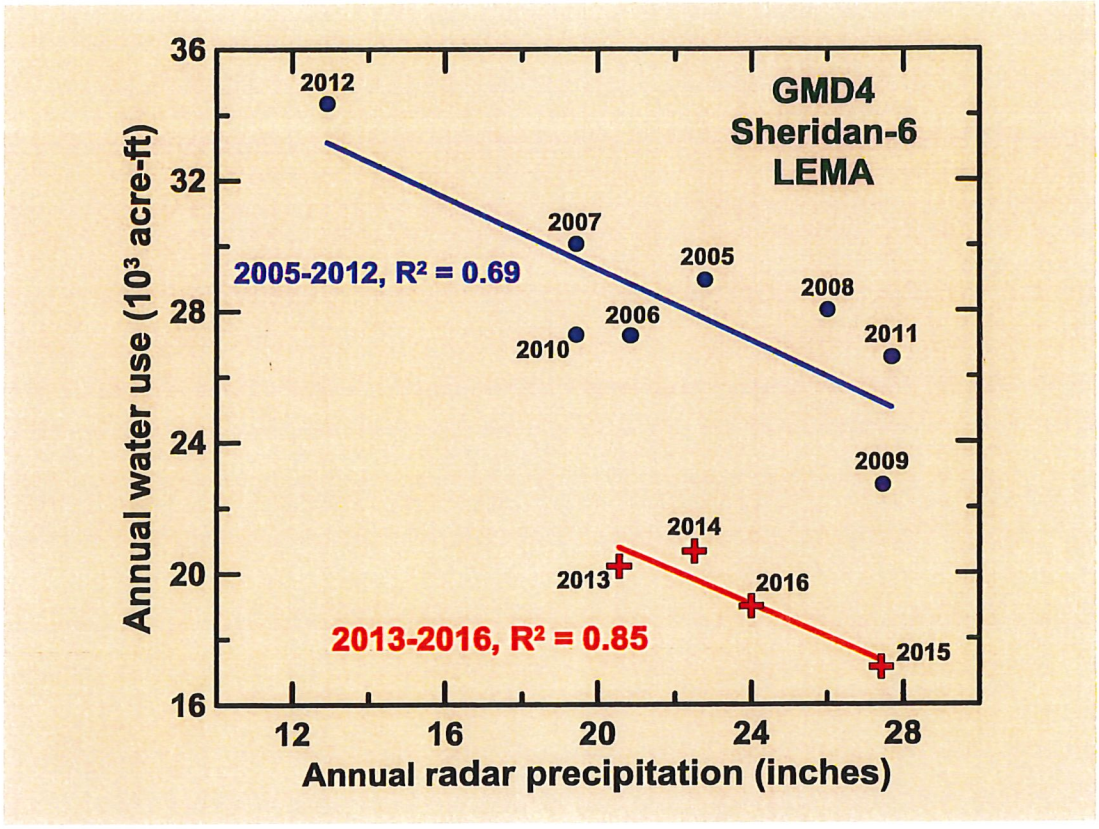
These activities are reflected in the water vision implementation plan.

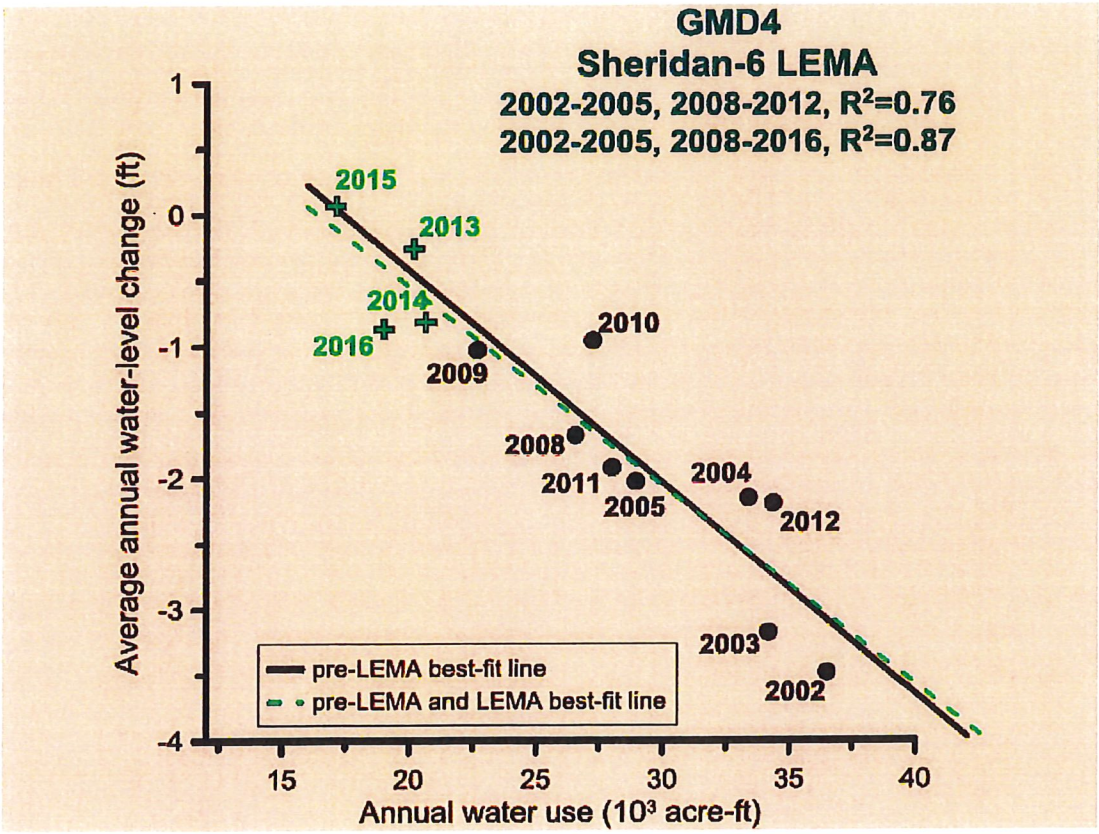
We consider these two programs –the High Plains aquifer studies and the Kansas River alluvial aquifer studies –to be of the highest priority. They both will provide important information for managing the state's groundwater resources for decades to come.

Finally, I want to mention a new research interest at the KGS: evaluating the effectiveness of streambank stabilization in controlling sedimentation. Sedimentation is a serious problem in Kansas' reservoirs, reducing water-storage capacities and contributing to water-quality problems. In an effort to decrease reservoir sedimentation, the state is investing heavily in streambank stabilization projects. However, the effectiveness of those projects in controlling sediment loads

in streams and, ultimately, in reservoirs is unknown and, therefore, needs to be evaluated in order to determine the full value of such costly efforts. Also, the geomorphic and environmental consequences of streambank stabilization projects are largely unknown and warrant assessment from hydrological, ecological, and, ultimately, economical viewpoints. The Kansas Water Authority recognizes the need to evaluate the effectiveness of streambank stabilization, and the KGS and Kansas Biological Survey are considering collaborative research efforts to address this issue.

Again, I appreciate the opportunity to appear today and I would be glad to answer questions or provide additional information.


GMD4
Sheridan-6
LEMA
2005-2012, R² = 0.69
2013-2016, R² = 0.85
2012
2007
2005
2008
2006
2010
2011
2009
2014
2013
2016
2015
Annual water use (10³ acre-ft)
Annual radar precipitation (inches)
36
32
28
24
20
16
12
16
20
24
28


GMD4
Sheridan-6 LEMA
2002-2005, 2008-2012, R²=0.76
2002-2005, 2008-2016, R²=0.87
2015
2013
2014
2016
2010
2009
2008
2011
2005
2004
2012
2003
2002
pre-LEMA best-fit line
pre-LEMA and LEMA best-fit line
Average annual water-level change (ft)
Annual water use (10³ acre-ft)
1
0
-1
-2
-3
-4
15
20
25
30
35
40

Comments on Value and Priorities of Research to Improve Agency Effectiveness and Estimated Funding Costs

presented to the
Interim Committee on Natural Resources
by

Daniel L. Devlin
Director of the Kansas Center
for Agricultural Resources and the Environment
and the Kansas Water Resources Institute
Kansas State University

October 31, 2017

Kansas State University conducts research to develop and evaluate new technologies and management options to improve water management and sustainability. Water was prioritized in K-State Research and Extension's 2025 plan, which has resulted in additional resources being directed toward research and extension faculty replacement and program enhancements in water. KSU has also increased extramural grant funding efforts and improved collaborations and partnerships with agencies and private industry. K-State has major efforts in both water quantity and water quality.

1. Value of Research to Improve Agency Program Effectiveness/Targeting

Our research is solutions' based – finding answers and new management solutions to water challenges and then using our extension programs utilizing field demonstrations, field experiences, educational meetings and consultations to get those solutions implemented. Investing in research will lead to a more complete understanding of the problems and issues and help agencies, water managers and landowners/land operators understand the most cost effective methods of sustaining our water resources while minimizing adverse economic impacts. Some selective examples of K-State research interactions with state and federal agencies that helped in targeting and making agency programs more effective:

a) KSU faculty conducted the SWAT watershed modeling used in the watershed WRAPS plans. The results of the research allowed KDHE to prioritize watersheds for cost share and educational funding and estimated practice implementation needs and long term funding requirements.

b) Research in SE Kansas on poultry waste application and waste storage led to new poultry storage and application recommendations and more effective/targeted cost share recommendations for both the KDA Division of Conservation and KDHE WRAPS funding.

c) A research team at K-State worked with the city of Wichita and KDHE to develop the off-site best management program that has been implemented by Wichita that is leading to greater water quality protection at lower costs to the city and to developers.

d) Long term K-State research results on subsurface drip irrigation has led to farmer installation of drip irrigation systems leading to improved irrigation efficiency.

e) KSU research into developing and evaluating more efficient pivot irrigation systems led to state and federal cost share programs for system conversion. Results from the irrigation studies allowed state and federal cost share funds to be targeted effectively.

f) KSU research studying the LEMA in northwest Kansas found that landowners in the LEMA did not have adverse economic consequences. Those results assisted in that LEMA being extended and other positive LEMA discussions.

g) KSU research on limited irrigation helped RMA offer new crop insurance on reduced/limited irrigation.

There are countless other examples of how K-State research has positively impacted agency decisions. However, it is important to realize that scientific research is expensive and takes time and commitment. Agencies must be open to the results, positive or negative, and have to be patient as environmental studies take time and, in many cases, require multiple years of varying climatic conditions before scientifically valid recommendations can be made. There is a danger in using antidotal information when making agency decisions. It is essential that recommendations be made that have been scientifically verified.

2. Research Priorities

K-State has made major commitments to research programs in water sustainability – both for water quantity/irrigation and water quality. Agricultural research in Kansas has had major impacts on agricultural profitability and natural resources protection, with agricultural research funding have an estimated economic payback of 33:1. Research priorities include sustaining (1) the Ogallala Aquifer Region and (2) improving water quality.

Priority 1 - Research to Sustain the Ogallala/High Plains Aquifer and the Economy of Kansas
Irrigation in western Kansas from the Ogallala Aquifer has a positive impact on food production, regional and statewide economics and communities. Those areas that have irrigation tend to be more economically viable that those that don't. For example, in 2007 (US Ag Census), the eight western Kansas counties that are most highly irrigated produced 33% of the total state agricultural sales (84% of the livestock sales and 16% of the crop sales). In 2010, the total beef industry over the Ogallala region of Kansas had a total value of $10.4 billion while the feed grain industry had a total value of $2.4 billion (2012). Past research from K-State has had a tremendous impact on irrigated agriculture in western Kansas. For example, the movement from furrow to pivot irrigation increased irrigation efficiency by 20%. Later development by K-State scientists and adoption by irrigators of low energy precision application technology (LEPA) further increased irrigation efficiency potential to as high as 95%. Over the last 30 years, the development and adoption of new irrigation technologies has increased irrigation water efficiency by about 3% annually. It will be a challenge to continue increasing output in the Ogallala region as water becomes more limited without increasing our research infrastructure. It is also essential to the important livestock industry of Kansas that we continue to produce the feedstuffs to support that industry.

<u>Areas of emphasis</u>

- Enhanced research efforts with grain sorghum. Grain sorghum is a more drought hardy crop than corn and increasing the yields and improving the economic competitiveness of grain sorghum is one of several possible solutions to sustain irrigated agriculture and the economy of western Kansas. Irrigated grain sorghum has declined over the last 30 years but we believe with an expanded research program we significantly improve grain sorghum genetics, making grain sorghum more competitive with corn. Improved grain sorghum genetics will require less intensive irrigation than does corn while producing competitive yields with corn. New genetic techniques, such as the development of a double haploid breeding program can half the time required to produce new genetic materials and the use of marker assisted trait delivery mechanisms.
  New funding needed: $5 million for year 1, $3.2 million annually in following years.

- Increased research effort in wheat breeding and genomics. One of the major objectives of this program is to increase the yield potential through improved heat and drought tolerance of wheat. This would make it a more competitive irrigated crop in western Kansas. Since it is a winter annual, wheat requires less irrigation than corn or grain sorghum, therefore improved wheat varieties could lead to reduced irrigation water use and be an important future option. There is increasing interest

by farmers in developing feed wheat varieties and we are currently studying the possibilities. Development of a feed wheat program would require significant updates to the wheat breeding and genetics program.
New funding needed: $1.5 million annually.

- Development, evaluation and implementation of new irrigation technologies. By development and adoption of new irrigation technologies we believe we can move towards sustainability in certain portions of the aquifer and also allow irrigation to profitably continue for a longer period.
  Significant areas of research that need to be enhanced:
  - Deficit irrigation management protocol for various crops
  - Mobile drip irrigation (MDI)
  - Soil and plant water status sensors
  - Remote sensing using unmanned aerial vehicles (UAVs)
  - New and enhanced irrigation scheduling tools
  - Precision irrigation technologies
  - Crop rotations and new crops suitable for limited irrigation

  New funding needed: $500,000 annually.

- Research into advanced dryland production systems and conversion from irrigated to limited/dryland agriculture. Some areas in western Kansas have already stopped irrigating or have significantly reduced well yields. We expect in the future that are areas will have to move to limited irrigation and back to dryland production. We propose to initiate a significant new, long term research effort in developing advanced dryland production systems. This effort will include an intense research effort around improved tillage, genetics, new crops, rotations, etc. With a significant long term research effort we believe we can develop a system of dryland agriculture that can take the place of or reduce the impact of less irrigated agriculture.
  New funding needed: $3.0 million annually.

Research Priority 2 – Research to Develop and Implement Practices to Improve and Sustain Water Quality

Sediments and nutrients runoff losses have a significant impact on water quality in Kansas. Farmers and other citizens have continually adopted new practices to reduce their impact on water resources. However, we still have significant water quality challenges that will require the develop and validation of new practices.

Areas of emphasis

- Research to develop and validate new crop management practices that will reduce the impact on surface and groundwater water quality. K-State recently developed a large in-field water quality laboratory at the Ashland Experiment Farm near Manhattan to develop and verify BMPs in cropland. Studies runoff and BMPs for nutrients/fertilizer, tillage, crop rotations and cover crops. This site needs to be expanded to other locations in Kansas and needs additional funding to continue its important work.
  New funding needed: $200,000 annually.

3. Additional Information

Kansas Center for Agricultural Resources and the Environment Description

The mission of KCARE is to coordinate and enhance research, extension, and teaching initiatives pertaining to new and emerging environmental issues from an agricultural perspective. Goals include: fostering holistic, interdisciplinary research and education required to solve agriculturally related environmental problems; providing for understanding of environmental issues in relation to agricultural production systems with a target audience of the agricultural community and the broader public; and developing relationships with agencies, organizations, and foundations to foster resource development for interdisciplinary and integrated research, extension, and teaching initiatives among faculty.
Areas of emphasis for KCARE will include, but not be limited to: surface water quality and protection; groundwater resource management; air quality and protection; soil conservation, management, and protection; and, balancing environmental protection with sustained agricultural production and profitability systems.

The KCARE Director is expected to build collaborative teams, both on campus and externally, with local, state and federal agencies and organizations. Activities include, but are not limited to: 1) organize teams of collaborators to give leadership to the environmental research and extension initiatives; 2) identify and develop external human and financial resources to support the work towards focused areas of emphasis; 3) promote environmental science and educational outreach programs targeted to agricultural and agribusiness interests, local, state, and federal agencies, organizations and foundations; 4) create and utilize appropriate advisory teams to guide further development of the research and outreach programs through KCARE; 5) create professional development opportunities for target audiences around the environmental sciences; 6) focus research and outreach programming on urban, rural/urban interface, and non-agriculturally related land use practices and their effects on air, water, and soil quality, conservation, and protection; 7) coordinate the activities of the Kansas Water Resources Institute; and 8) the office of the KCARE director is the primary Kansas State University contact for all state and federal agencies related to agricultural resources and the environment.

Kansas Water Resources Institute

The WRRA of 1964 (P.L. 88-379 codified at 42 U.S.C. 10301 et seq.) authorized establishment of a water resources research and technology institute or center in each state, located at the land grant university. The institutes are charged with (1) arranging for competent research that addresses water problems or expands understanding of water and water-related phenomena, (2) aiding the entry of new research scientists into the water resources fields, (3) helping to train future water scientists and engineers, and (4) getting results of sponsored research to water managers and the public. The program is administered by the U.S. Geological Survey as the Water Resources Research Institutes (WRRI) Program under the general guidance of the Secretary of the Interior. Kansas State University receives $92,000 annually to administer the program in Kansas. Most of the funds go to support research projects at Kansas State University and the University of Kansas.

Roles and Mission
The KWRI has two main roles: 1) to provide and facilitate a communications network among professionals working on water resources research and education; and 2) to support research and dissemination of results on high priority topics, as identified by the State Water Authority.

The mission of the KWRI is to:

- develop and support research on high priority water resources problems and objectives, as identified through the state water planning process;
- coordinate water related research planning;
- promote dissemination of water related research results to policy makers, program staff and the general public;
- serve as a resource to policy and decision makers;
- advise Kansas Water Authority;
- facilitate effective communication amongst water resources professionals;
- foster the dissemination and application of research results.

Planned Activities

Accomplishing the mission of KWRI is accomplished by doing the following (but not necessarily limited to only these things):

- Supporting research through a competitive grants program that encourages:
  - interdisciplinary approaches
  - interagency collaboration
  - scientific innovation
  - support of students and new young scientists
  - cost-effectiveness
  - relevance to present and future water resource issues/problems as identified in the State Water Plan
  - refereed publications
- Facilitating communication through seminars, conference, and/or electronic networks
- Fostering dissemination and application of results through conferences, briefings, white papers, and/or newsletters
- In implementing these activities, KWRI desires to:
- Be "proactive" rather than "reactive" in addressing the water resource problems of the state
- Involve the many water resources stakeholders in identifying research needs and utilize their input to prioritize the water resources research needs of the state
- Foster collaboration among state agencies, federal agencies, and institutions of higher education in the state on water resources issues
- Leverage additional financial support from state, private, and other federal sources
- Be recognized in Kansas as a major institution to go to for water resources research

Competitive Grant Process

September 1. The Administrative Council (see "Governance" below) meets to discuss and develop the prioritized list of research and technology transfer needs for the "Call for Proposals" and to revise "Call for Proposals" guidelines.

September 15. The Call of pre-proposals is issued.

November 15. Proposal submission due date.

December 15. Select successful projects. Project review panel will consist of members of the KWRI Administrative Council.

January 1. Deliver plan of work to USGS.

March 1. USGS issues contract/KWRI issues subcontracts.

KWRI Governance

Kansas State University is the legal entity that represents the Kansas Water Resources Institute to USGS, and the Director of KWRI, appointed by Kansas State University, is legally responsible for the management of KWRI. However, to be as inclusionary as possible in decision making, KWRI utilizes an Administrative Council composed of representatives from participating higher education or research institutions, state agencies, and federal agencies to assist the Director in policy-making for KWRI. The responsibilities of the Administrative Council are to:

- Participate in the general policymaking for KWRI
- Approve changes to the charter
- Approve the membership of the Council
- Serve a role in planning the Governor's Water Conference
- Establish the water research priorities for Kansas and the KWRI, to be reflected in the annual Calls for Proposals
- Establish the technology transfer, educational, and communication priorities for KWRI
- Participate in the selection of projects to be funded
- Participate in the development of an annual plan of work and budget for KWRI
- Participate in raising additional financial support for KWRI
- The Administrative Council shall be composed of the following:
    - Director of KWRI
    - A representative from USGS
    - A representative of the Kansas Water Office
    - A representative of Kansas State University
    - A representative of the Environment Division - Kansas Department of Health and Environment
    - A representative from the Division of Water Resources - Kansas Department of Agriculture
    - A representative from USDA-NRCS
    - A representative from the Kansas Biological Survey
    - A representative from the Kansas Geological Survey
    - A representative of the University of Kansas
    - Others, as appropriate
    - Liaisons will also be identified from Emporia State University, Wichita State University, Pittsburg State University, and Fort Hays State University that will assist in networking their faculty into the KWRI.
    - Voting members of the Kansas Water Authority
    - The Director of KWRI serves as Chairman of the KWRI Administrative Council. The Council meets not less than twice per year and as frequently as deemed necessary.

5. Daniel L. Devlin – Bio

Dr. Daniel Devlin is an agronomy and environmental expert with more than 30 years of experience at Kansas State University. He is Director of the Kansas Center for Agricultural Resources and the Environment (KCARE) and the Kansas Water Resources Institute (KWRI), where he applies a unique agricultural perspective to research coordination, extension, and teaching initiatives pertaining to new and emerging environmental issues. Dr. Devlin is also a Professor in the Department of Agronomy. He also manages the Kansas Fertilizer Research Program and serves as the research and extension leader for the university's participation in the Ogallala Aquifer Research Program.

Dr. Devlin specializes in Great Plains agriculture: his work analyzes the impact of climate change on grazing systems in the southern Great Plains, the sustainability of the Ogallala Aquifer, pesticide surface

and ground water movement, watershed planning, and best management practices for soil erosion and pesticide usage. In addition to this work, he has developed and delivered educational programs to farm and non-farm audiences on environmental quality subject matter (such as climate change, ground and surface water contamination, watershed planning and modeling, drinking water, and cropland and livestock best management practices).

In this capacity, Dr. Devlin has served as Principal Investigator or co-PI on over $31 million in extramural funding while at KSU. He has made over 1000 presentations and authored more than 200 peer-reviewed articles, book chapters, experiment station publications and abstracts, and extension publications.

Dr. Devlin has received numerous awards, being named a Fellow of the American Society of Agronomy and also receiving their Agronomic Extension Education Award as well as receiving the US Secretary of Agriculture's Honor Award for Outstanding Research. He is currently the President-elect of the National Institutes of Water Resources and a board member of the University Council on Water Resources.

Dr. Devlin, a native of Smith County, KS, received his B.S. and M.S. in Agronomy from Kansas State University and a Ph.D. in Agronomy from Washington State University.

KANSAS FARM BUREAU®
The Voice of Agriculture®

2627 KFB Plaza, Manhattan, Kansas 66503-8508 • 785-587-6000 • Fax 785-587-6914 • www.kfb.org

To: **Special Committee on Natural Resources, Rep. Tom Sloan, Chairman**

From: **Kent Askren, Kansas Farm Bureau**

Date: **October 31, 2017**

Re: **Testimony on water projects and funding**

Chairman Sloan, Vice Chairman Kerschen and members of the Committee, on behalf of Kansas Farm Bureau I want to thank you for the opportunity to provide comments today as you further the public discussion on funding and prioritizing water projects in Kansas.

KFB policy clearly supports our state's water planning process with Regional Advisory Committees making recommendations to the Kansas Water Authority who in turn makes recommendations to the governor and legislature.

The projects ultimately supported by the governor and legislature are to be funded with the State General Fund (SGF) or a dedicated statewide revenue source, expanded cost-share programs, creation of tax incentives and state-revolving-loan funds for resource protection.

In prioritizing water projects, our policy identifies prevention of groundwater and surface water contamination, developing crop and livestock management practices which protect natural resources, implementing Total Maximum Daily Load requirements, installing stream buffers, treating highly erodible lands, plugging abandoned wells, upgrading rural septic systems and promoting conservation of water by all users.

As you have heard numerous times this year, the SGF contribution to implement State Water Plan (SWP) projects has been neglected by this and previous administrations. We must ask ourselves, "Why?" What topic does the legislature wrestle with that is more fundamental to the protection and well-being of our state and its citizens than a reliable, enduring water supply?

Year after year we hold hearings, attend meetings and create volumes of plans that are not adequately addressed, through funding or implementation, for the fulfillment of this most basic need for human life and economic vitality. Is our dilemma really with funding and planning or is it the lack of public awareness and fundamental understanding of state water law that if fully realized and understood would result in the motivation to fund the SWP with an adequate, reliable and secure statewide revenue stream rather than targeting select individual users?

Until the topic of water is duly elevated and there is consensus throughout the state and under the dome to share the funding responsibility of protecting the natural resource, success is unlikely. Water protection and funding is a bipartisan issue that should be addressed and resolved within the first weeks of any legislative session.

Thank you for your attention and I will be glad to take questions at the appropriate time.

2017 DOC Analysis for KACD Resolutions
Resolution #1 - Add Practice 327 (Conservation Cover) to Eligible Practice List

Resolution Statement:

Therefore, be it resolved, that the Kansas Association of Conservation Districts encourage the Kansas Department of Agriculture Division of Conservation to add practice 327 (Conservation Cover) to the appropriate eligible cost-share practice list(s).

DOC Program Affected:

Water Resources Cost Share Program, Non-Point Source Pollution Control Program.

Current DOC Policy:

Practice Code 327 (Conservation Cover) is not a current approved cost share practice by the DOC.

K.S.A./K.A.R. Authorization:

K.S.A. 2-1915. Conservation structures and practices, grants; riparian and wetland protection programs; return of water right, cost-share grants; water quality buffers, grants, valuation of land. (a)..... Appropriations may be made for grants out of funds in the treasury of this state for terraces, terrace outlets, check dams, dikes, ponds, ditches, critical area planting, grassed waterways, tailwater recovery irrigation systems, precision land forming, range seeding, detention and grade stabilization structures and other enduring water conservation practices installed on public lands and on privately owned lands.....

WRCSP - K.A.R. 11-1-8 Conservation district program. Each participating conservation district board of supervisors shall develop and submit to the commission for approval, using commission-prescribed forms, the district's fiscal year financial assistance program under the following provisions: (a) The district shall develop the program after receiving the state program forms and a list of eligible practices from the commission.

NPS – K.A.R. 11-7-7 Conservation District Program. Each participating conservation district board of supervisors shall develop and submit to the commission for approval, using commission-prescribed forms, the district's fiscal year financial assistance program under the following provisions: ..... (b) The district shall select the non-point source pollution control practices from those identified in the project work plans that will best address pollution prevention and improvement.

Discussion/History:

Resolution submitted in 2017.

Fiscal Burden:

DOC would incur minimal staff time updating the DOC Programs Manual, standards. Updates would need to be made to CSIMS which would involve some additional staff/programmer time.

Unintended Effects:

The addition of this cost share practice may redirect funds from practices that have a higher soil or water conservation benefit.

Equity:

This practice could be used in both rural and urban settings.

Feasibility:

If KACD, DOC, and the SCC Commission support the resolution, the addition of Practice Code 327 can be made in a timely manner.

Options/Timeline for Implementation: FY 2019

2017 DOC Analysis for KACD Resolutions
Resolution #3 - Allow Less than 40 Acre Minimum for PRM Practices

Resolution Statement:

Therefore, be it resolved, that the Kansas Association of Conservation Districts encourage the Kansas Department of Agriculture Division of Conservation to waive the 40-acre minimum in urbanizing counties at the request of a county conservation district.

DOC Program Affected:

Water Resources Cost Share Program, Non-Point Source Pollution Control Program.

Current DOC Policy:

Current DOC policy is not a "blanket" 40 acre minimum pasture size for Pasture and Rangeland Management practices. All livestock water supplies do currently have a 40 acre minimum Pasture size. These practices **can** be installed in pastures less than 40 acres when livestock are excluded from a stream. However, forage and biomass planting, range planting, fence etc. do not have the 40 acre minimum pasture size. It is also currently listed in the DOC programs manual that ***"the DOC may also grant exceptions to the 40 acre pasture minimum on a case by case basis if significant water quality gains will be achieved."***

K.S.A./K.A.R. Authorization:

K.S.A. 2-1915. Conservation structures and practices, grants; riparian and wetland protection programs; return of water right, cost-share grants; water quality buffers, grants, valuation of land. (a)..... Appropriations may be made for grants out of funds in the treasury of this state for terraces, terrace outlets, check dams, dikes, ponds, ditches, critical area planting, grassed waterways, tailwater recovery irrigation systems, precision land forming, range seeding, detention and grade stabilization structures and other enduring water conservation practices installed on public lands and on privately owned lands.....

WRCSP - K.A.R. 11-1-8 Conservation district program. Each participating conservation district board of supervisors shall develop and submit to the commission for approval, using commission-prescribed forms, the district's fiscal year financial assistance program under the following provisions: (a) The district shall develop the program after receiving the state program forms and a list of eligible practices from the commission.

NPS – K.A.R. 11-7-7 Conservation District Program. Each participating conservation district board of supervisors shall develop and submit to the commission for approval, using commission-prescribed forms, the district's fiscal year financial assistance program under the following provisions: ..... (b) The district shall select the non-point source pollution control practices from those identified in the project work plans that will best address pollution prevention and improvement.

Discussion/History:

Resolution submitted in 2017.

Fiscal Burden:

DOC would incur minimal staff time updating the DOC Programs Manual, standards. Updates would need to be made to CSIMS which would involve some additional staff/programmer time.

Unintended Effects:

Improving grass stands by grazing distribution is the primary intended benefit with pasture and rangeland management practices. Current DOC policy **does not** require the development and following of an NRCS grazing management plan by the landowner. This policy would potentially need to be reviewed with the SCC and NRCS to help ensure that grass stand improvement is being attained.

Equity:

This practice could be used in both rural and urban settings.

Feasibility:

Current DOC policy allows multiple options for the installation of livestock water supplies on pastures less than 40 acres in size. The DOC exception option allows for "checks and balances" to be made to ensure state water plan dollars are being spent on projects that provide adequate pollution and sediment reduction.

Options/Timeline for Implementation: FY 2019

2017 DOC Analysis for KACD Resolutions
Resolution #4 - Xeriscaping

Resolution Statement:

Therefore be it resolved, that the DOC recommends to the Natural Resource Conservation Service to adopt Xeriscaping practices as a cost share program to conserve water resources and prevent pollution in drought or non-drought afflicted areas.

DOC Program Affected:

Water Resources Cost Share Program, Non-Point Source Pollution Control Program.

Current DOC Policy:

Xeriscaping is not a current approved cost share practice by the DOC

K.S.A./K.A.R. Authorization:

Not applicable because this resolution does not ask the DOC to adopt or implement this practice.

Discussion/History:

Discussed at the 2016 KACD Area 2 meeting. Presented as a resolution at the 2016 KACD convention for the DOC to adopt the practice, resolution failed by vote at the KACD business meeting.

Fiscal Burden:

Fiscal burden would be minimal to the DOC. Minimal staff time would be used contacting NRCS if this resolution passes as written.

Unintended Effects:

It is unknown at this time who would be able to certify this practice, or what the standards should be for xeriscaping.

Equity:

This practice could be used in both rural and urban settings.

Feasibility:

NRCS would have to adopt this practice for it to be implemented in the future.

Options/Timeline for Implementation: ?????

2017 DOC Analysis for KACD Resolutions
Resolution #5 - Cost-Share Contract Deposit

Resolution Statement:

Therefore, be it resolved, the Kansas Association of Conservations Districts encourages the Kansas Department of Agriculture-Division of Conservation to allow a 10% deposit be paid by each cost share contract holder.

DOC Program Affected:

Water Resources, Non-Point Source and Riparian & Wetland Cost-Share Programs.

Current DOC Policy:

SCC / DOC does not currently have any state-wide policy or guidelines on the allowance of cost-share contract deposits and / or penalty charges which conservation districts may require in order to deter landowners from cancelling cost-share contracts without good cause. The use of these administrative tools is now under study / review by the State Conservation Commission.

K.S.A. / K.A.R. Authorization:

In K.S.A. 2-1908, our conservation district law provides that districts are authorized, as follows:

(d) to cooperate, or enter into agreements with, and within the limitations of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any occupier of lands within the district, in the carrying on of erosion-control flood prevention and water management operations within the district, **subject to such conditions as the supervisors may deem necessary to advance the purposes of this act**; and

(j) as a condition to the extending of any benefits under this act, to or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the **supervisors may require contributions in money**, services, materials, or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

*Legal authority for other municipalities with deposit fees are specifically set forth in state statutes with implementing rules, but do not seem to apply to this issue – i.e. deposits for municipal utilities (these deposits and their rules are specifically laid out in statute), and for Kansas Open Records Act requests (where agencies can collect a fee in advance, but they are charging for actual work as allowed by statute). Neither example is very applicable because both acts have specific rules in place for how to make charges and how to deposit the money after it is collected.

Discussion / History:

KDA's Chief Legal Counsel has provided the following summarized evaluation and recommendations in regard to how this deposit fee issue currently comports with conservation district law:

Subsection (d) on its own probably allows a deposit because it has such an obvious benefit in advancing conservation purposes. **Concerns: The collection of fees may not be legal.** Subsection (d) doesn't mention money nor does the conservation law provide any guidance on what to do with money collected in this way. (The concern is someone might accuse the local district of actually assessing a penalty, which they aren't authorized to do or otherwise spending money that they aren't authorized to spend on something.) Subsection (j) cannot be relied on because it's not clear the money was for the project.

Counsel is comfortable making a legal argument to justify the collection of the deposit and the forfeiture of the deposit if no work is done under the following guidelines:

1) Every local district should call these the same thing, e.g. "Contract Deposit".

2) The language that each local district uses about the forfeiture of funds should be the same and include an explanation of how the forfeit money would be used in relation to the work already related to the project was included (to provide support that (j) also gives authority to do this), e.g.

> "If the conservation work is not completed, the deposit *shall be forfeited by the applicant and used to pay all costs incurred by the Conservation District related to this project, and otherwise for the advancement of the purposes of the Conservation Districts Law.*" (related costs could justifiably include all administrative costs on the abandoned project and in selecting a new applicant for the funds, etc.)

Fiscal Burden:

There is no anticipated negative fiscal impact to DOC of implementing a statewide policy regarding district deposit fees for cancelled cost-share contracts – a positive impact may be realized from the carryforward of unspent funds being minimized.

There is no anticipated negative fiscal impact to conservation districts requiring these deposit fees insofar as the funds being collected are being used to reimburse costs relevant to state cost-share contract administration. (Districts may act separately in regard to cost-share contracts originating from county appropriation funding).

There is an anticipated negative fiscal impact to landowners who do not complete approved cost-share contracts. Other landowners who later receive the benefit from implementation of a deterrent policy of this type may be affected positively by acquiring more cost-share dollars than they would have otherwise.

Unintended Effects:

Some landowners might be deterred from applying for cost-share contracts.

Equity:

Implementation of a standardized policy framework for administration of state dollars should be viewed favorably as a good business practice and provide consistency for the public among differing counties.

Feasibility / Timeline for Implementation:

Implementation by conservation districts can be effectively modified / achieved immediately upon the adoption of a statewide policy guideline by the SCC.

2017 DOC Analysis for KACD Resolutions
Resolution #6 -Windbreaks

Resolution Statement: THEREFORE, BE IT RESOLVED, the Kansas Association of Conservation Districts encourages all federal and state agencies to use the same windbreak practice eligibility criteria so that windbreaks can be planted on any land use in order to protect cropland and livestock.

DOC Program Affected: Water Resources Cost-Share Program

Current DOC Policy:
Windbreak/Shelterbelt Establishment (Code 380): Planted windbreaks may be used for livestock facilities; feeding area relocation; riparian area livestock exclusion or significant reduction in riparian area use; existing livestock facility or feeding area; cropland needing protection against wind damage, where deposition of snow will improve moisture conservation (WR only); and *land next to a farmstead, field or any other area that addresses a resource concern (WR only).*
Windbreak/Shelterbelt Renovation (Code 650): Restoring or enhancing a windbreak/shelterbelt that is no longer functioning properly. Practice applies to livestock facilities; riparian area exclusion or signification reduction in riparian area use; fields*; and farmsteads (WR only).*

K.S.A./K.A.R. Authorization:
WRCSP: K.A.R. 11-1-6 Definitions. (f) ``Practice'' means a land treatment or management practice constructed or implemented to effect soil erosion control, pollution control, water conservation, and water supply.
WRCSP: K.A.R. 11-1-6 Definitions. (h) ``Water resources cost-share program'' and ``WRCSP'' mean a state-financed cost-share program providing financial assistance to landowners for the installation of conservation and water quality practices for the restoration and protection of Kansas water resources.

Discussion/History: There has been discussion in certain counties over the past few years about a need for more or improved windbreak practice criteria. NRCS will cost-share on a new windbreak establishment practice only on cropland, but all degraded windbreaks, regardless of location, are considered for NRCS renovation.
Under DOC cost-share, livestock and cropland are eligible for new or degraded windbreaks. Farmstead windbreaks are eligible for a windbreak renovation, but funding new windbreaks

for farmsteads is unclear. The only mention of farmsteads in Windbreak/Shelterbelt Establishment is under "Conditions Where Practice Applies: b. Land next to a farmstead, field, or any area that addresses a resource concern. (*WR Only)." Clearly defining what constitutes a "resource concern" would help clarify when new farmstead windbreaks would be eligible.

Fiscal Burden: A small amount of time and expense would be needed to edit the wording in the Programs Manual to define more clearly what resource concerns would justify a new farmstead windbreak planting.

Unintended Effects: Broadening the criteria for windbreaks as protection for farmsteads through Water Resources Cost-Share Program, or simply allowing windbreaks on farmsteads regardless of the resource concern, may redirect WR cost-share funds from practices that have a higher soil or water conservation benefit.

Equity: DOC rarely provides cost share that benefits human or farmstead use; when a home or farmstead is benefitted by cost-share, it is accompanied by a NPS benefit (on-site waste, abandoned well plugging.) Even so, on-site waste cost-share is currently treated the same way that windbreaks are treated: DOC cost-shares on a failing system, but does not provide assistance for a brand new system.

Feasibility: If KACD, DOC, and the SCC Commission support the resolution, changes can be made to Practice Code 380 in a timely manner.

Options/Timeline for Implementation: Changes to Practice Code 380 and to the Programs Manual could be made for FY 2018 at the earliest, but more likely FY 2019.

RESOLUTION 1

Add Practice 327 (Conservation Cover) to Eligible Cost-Share Practice List

Whereas, vegetative cover of soil reduces ground and surface water quality degradation by nutrients and surface water quality degradation by sediment as well as enhancing wildlife, pollinator, and beneficial organism habitat, improve soil health and reduce emissions of particulate matter and greenhouse gasses; and

Whereas, urban areas need vegetative cover on land not in agriculture production; and

Whereas, there is an existing Environmental Quality Incentive Program (EQIP) payment on Practice 327 Conservation Cover; and

Whereas, the conservation cover practice meets a need that other practices do not address; and

Whereas, it encourages owners of small parcels of land to provide permanent herbaceous cover; and

Whereas, instead of the sole focus being on farming and ranching practices, it draws attention to the problems caused by urban and suburban development;

Therefore, be it resolved, that the Kansas Association of Conservation Districts encourage the Kansas Department of Agriculture Division of Conservation to add practice 327 (Conservation Cover) to the appropriate eligible cost-share practice list(s).

RESOLUTION 2

Maintenance Grazing On CRP

WHEREAS, burning, light discing, and grazing are all approved maintenance practices for Conservation Reserve Program contract acres.

WHEREAS, burning and light discing must be done prior to April 15 and grazing can only occur after July 15 to avoid the bird nesting season.

WHEREAS, burning removes all residue from the ground leaving the soil exposed to the sun causing moisture evaporation, exposed to rain causing water erosion, exposed to the wind causing wind erosion and moisture evaporation, and destroying wildlife habitat. Burning does however remove the dead residue and thatch, destroys some weed seed, and promotes faster grass regeneration and faster green up because the soil warms up quicker.

WHEREAS, light discing knocks down the dead residue, brakes up the top of the soil allowing rain to infiltrate quicker, opens up the grass canopy allowing forbs and weeds to sprout and grow which in turn can aid in soil health because of the nutrients some forbs put back and store in the soil. And opening up the grass canopy allowing the nesting birds hatchlings to be able to move about and find food easier.

WHEREAS, grazing knocks down the dead residue, opens up the grass canopy allowing forbs and weeds to sprout and grow which in turn can aid in soil health because of the nutrients some forbs put back and store in the soil. Grazing helps to distribute grass seed throughout the field because the grazing animal eats the seed and deposits the seed through the manure. Grazing helps to fertilize the soil from the nutrients found in the animal manure that is deposited and broken down in the soil which promotes soil health. Insects and worms are also promoted due to their attraction and interaction with manure which also promotes soil health by breaking down the manure so the nutrients can be absorbed in the soil more readily. And the influx of insects aids in the feeding of nesting birds hatchlings. Grazing opens up the grass canopy allowing the nesting birds hatchlings to be able to move about and find food easier.

WHEREAS, there is no scientific evidence that proves that grazing is less effective than burning or light discing as a maintenance practice. But on the contrary is a practice that benefits grass regeneration, soil health, wildlife, and wildlife habitat as much as or more than burning or light discing. And there is no scientific evidence that proves grazing prior to the bird nesting season has any detrimental effect on the soil or wildlife.

THEREFORE BE IT RESOLVED, that the Kansas Association Of Conservation Districts recommends to the Natural Resource Conservation Service and to the USDA- Farm Service Agency to review and change their technical guide lines and maintenance agreements to allow grazing as a maintenance practice on all Conservation Reserve Program contracts where burning and light discing are an approved maintenance practice and to allow grazing during the period before and or after the bird nesting season (April 15 – July 15).

THEREFORE BE IT FURTHER RESOLVED, that the Kansas Association of Conservation Districts introduce this resolution at the National Association Of Conservation Districts annual convention so that the national association can also advocate for this change in the maintenance practice guide lines and maintenance agreement with the Natural Resource Conservation Service and the USDA-Farm Service Agency.

RESOLUTION 3

Allow Less Than 40-Acre Minimum for Pasture and Rangeland Management

Whereas, many counties adjacent to and surrounding metropolitan areas are experiencing a high degree of fragmentation of agricultural lands; and

Whereas, hobby livestock farming and horse ownership is a growing trend that can cause severe degradation of the land and water resources; and

Whereas, there is a great opportunity to share the benefits and successes of traditional conservation practices with a new demographic and new generation of landowners and their neighbors; and

Whereas, pasture and rangeland management practices are the only practices with a 40-acre minimum;

Therefore, be it resolved, that the Kansas Association of Conservation Districts encourage the Kansas Department of Agriculture Division of Conservation to waive the 40-acre minimum in urbanizing counties at the request of a county conservation district.

RESOLUTION 4

Water Conservation through Xeriscape Practices

Xeriscape (zîr'ĭ-skāp'): A landscaping method that employs drought-resistant plants in an effort to conserve resources, especially water.

WHEREAS, using native habitat vegetation can reduce water usage in rural and urban areas by as much as 50% to 75%. Over 50% of most residential water is used on lawn and landscape.

WHEREAS, Native grasses, shrubs, trees, or other "drought-resistant plants" can reduce soil erosion because they are better suited to their climate and will spread with more vigor while using less resources.

WHEREAS, the use of Xeriscape practices will eliminate the over applications of pesticides, such as weed control chemicals, grass control chemicals and insecticide chemicals because they are already adapted to the local ecosystem.

WHEREAS, the use of native vegetation can improve the local ecosystem by providing food and shelter to organisms suited to their local environment while discouraging foreign pests that rely on out of area plants to survive.

WHEREAS, over applying fertilizers and chemicals is harmful to the ground water. Native plants will require little or no fertilizer because they are already suited to their soil profile and less chemical because their vigor can choke out unwanted weeds.

THEREFORE BE IT RESOLVED, that the Kansas Department of Agriculture Division of Conservation recommends to the Natural Resource Conservation Service to adopt Xeriscaping practices as a cost share program to conserve water resources and prevent pollution in drought or non-drought afflicted areas.

RESOLUTION 5

Cost Share Contract Deposit

Whereas, State Cost share funds are declining each year, and a landowner can cancel a project with limited time to reallocate the funds before cancellation; and

Whereas, other landowners in the conservation district willing to complete projects have little opportunity to apply for the funds; and

Whereas, Districts would like to maintain all cost share allocations for their County to address natural resource conservation concerns; and

Whereas, a deposit of 10% of the approved contract would invest the contract holder in insuring completion in a timely manner;

Therefore, be it resolved, the Kansas Association of Conservations Districts encourages the Kansas Department of Agriculture-Division of Conservation to allow a 10% deposit be paid by each cost share contract holder.

RESOLUTION 6

Windbreak Practice Eligibility

WHEREAS, windbreaks are needed in Kansas to reduce wind-induced soil erosion, protect livestock and provide wildlife habitat; and

WHEREAS, landowners request cost-share funds to assist with the expenses associated with the establishment of windbreaks; and

WHEREAS, the windbreak practice is only eligible to be placed on cropland in federal cost-share programs;

THEREFORE, BE IT RESOLVED, the Kansas Association of Conservation Districts encourages all federal and state agencies to use the same windbreak practice eligibility criteria so that windbreaks can be planted on any land use in order to protect cropland and livestock.

FINANCE AND DEVELOPMENT COMMITTEE

Resolution No. _____ ; Division of Conservation Budget

WHEREAS, the State Conservation Commission was established by the Kansas Legislature in 1937 to "provide for the conservation, use and development of the soil and water resources of this state, and for the control and prevention of soil erosion, flood damages and injury to the quality of water, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state"; and

WHEREAS, the Kansas Department of Agriculture, Division of Conservation is statutorily authorized to effectuate these agricultural and natural resource conservation and protection responsibilities through programs providing state assistance to conservation districts, cost-share for water resources and non-point source pollution improvements, riparian and wetland protection, water quality buffer initiatives, water right retirement programs, watershed dam construction and water supply restoration, multipurpose small lakes projects, and surface mining land reclamation; and

WHEREAS, the Kansas Legislature has also provided for an organized system of conservation districts to operate in partnership with the United States Department of Agriculture's Natural Resources Conservation Service, and said districts have a long and healthy legacy of working cooperatively with landowners, thereby securing their trust; and

WHEREAS, at the Governor's request and within an organized system of citizen input and advocacy, the Kansas Water Authority has developed a long-range forecast of the water needs of Kansas known as the Governor's 50 Year Water Vision; and

WHERAS, the Kansas Legislature has also provided for the creation of the Kansas State Water Plan and a dedicated source of funding known as the Kansas State Water Plan Fund which will be used to implement the goals and objectives identified in the Governor's 50 Year Water Vision; and

WHEREAS, the Kansas State Water Plan has identified priority watershed areas that need assistance to address non-point source pollution problems, reduce urban and rural flooding, and to reduce stream bank erosion and degradation of riparian and wetland areas; and

WHEREAS, financial and technical assistance needs have been identified in the Kansas State Water Plan for high priority Total Maximum Daily Load watersheds of the state; and

WHEREAS, a need for priority multipurpose small lakes projects, watershed dam construction and rehabilitation, and restoration of water supply systems is also identified in the Kansas State Water Plan; and

WHEREAS, a need exists to improve and sustain the state's rivers, streams and aquifers with conservation grants, and conservation districts have established a need and system of prioritization for cost-share incentives to address local concerns; then

THEREFORE, BE IT RESOLVED THAT, the Kansas Association of Conservation Districts supports enhanced legislative appropriations to be made within the Kansas State Water Plan Fund to enable the State Conservation Commission, the Kansas Department of Agriculture's Division of Conservation and every local conservation district in Kansas to better achieve the legislative responsibilities which have been delegated to them.

FINANCE AND DEVELOPMENT COMMITTEE

Resolution No. 1: Fiscal Year 2018 and Fiscal Year 2019 Division of Conservation Budget *(adopted at the 2016 KACD convention)*

WHEREAS, financial and technical assistance needs have been identified in high priority Total Maximum Daily Load watersheds of the Kansas – Lower Republican, Lower Arkansas, Marais Des Cygnes, Missouri, Neosho, Upper Arkansas, Verdigris, Walnut, Smoky Hill / Saline, Upper Republican, Cimarron, and Solomon River basins; and

WHEREAS, the Kansas State Water Plan has identified the priority watershed areas that need assistance to address non-point source pollution problems, reduce urban and rural flooding, and to reduce stream bank erosion and degradation of riparian areas; and

WHEREAS, a need for priority multipurpose small lakes projects, watershed dam construction and rehabilitation, restoration of water supply systems, and riparian and wetland protection is identified in the Kansas State Water Plan; and

WHEREAS, a need exists to improve and sustain the state's rivers, streams and aquifers with conservation grants; and

WHEREAS, conservation districts have established a need for cost-share incentives to address local concerns; and

WHEREAS, the conservation provisions of the Agricultural Act of 2014 (the 2014 Farm Bill) have increased the demand for conservation technical assistance; and

WHEREAS, the Division of Conservation is responsible for carrying out programs of state assistance to conservation districts, state assistance in watershed dam construction, water resources cost-share, riparian and wetland protection, multipurpose small lakes, non-point pollution control, water quality buffer initiative, water right transition assistance, CREP, water supply restoration, surface mining land reclamation and agricultural liming materials; then

THEREFORE, BE IT RESOLVED, that the Kansas Association of Conservation Districts supports the Division of Conservation's FY 2018 and FY 2019 budget request as described below, and in addition, supports the Division's request for appropriation language allowing the carryover of funds from the current fiscal year to FY 2018, as well as the carryover of funds from FY 2018 to FY 2019, as follows:

	FY 2018	FY 2019
STATE GENERAL FUNDS:		
Administrative Operations	**$ 478,500**	**$ 482,500**
STATE WATER PLAN FUNDS:		
Aid to Conservation Districts	$2,000,000	$2,092,637
Water Resources Cost-Share	$1,727,387	$1,948,289
Water Supply Restoration	$ 0	$ 0
Non-Point Source Pollution	$1,503,015	$1,858,350
Watershed Dam Construction	$ 511,076	$ 550,000
Riparian and Wetland Protection	$ 135,343	$ 152,651
Water Quality Buffer Initiative	$ 88,662	$ 200,000
Conservation Reserve Enhancement Program \ WTAP	$ 177,324	$ 200,000
Subtotal – State Water Plan Special Revenue Funds	**$6,142,807**	**$7,001,927**
FEE FUNDS:		
Land Reclamation	$ 136,550	$ 136,550
Agricultural Liming Material	$ 33,940	$ 33,940
Subtotal – Fee Funds	**$ 170,490**	**$ 170,490**
OTHER STATE FUNDS:		
Kansas Dept. of Health & Environment	$ 120,000	$ 120,000
Kansas Dept. of Wildlife, Parks & Tourism	$ 75,000	$ 75,000
Subtotal – Other State Funds	**$ 195,000**	**$ 195,000**
FEDERAL FUNDS:		
Natural Resource Conservation Service	$ 338,696	$ 338,696
Environmental Protection Agency	$ 280,000	$ 280,000
Subtotal – Other Federal Funds	**$ 618,696**	**$ 618,696**
TOTAL BUDGET REQUEST	**$7,605,493**	**$8,468,613**

SUPPLEMENTAL BUDGET REQUEST FOR FY 2018 and FY 2019:

AND WHEREAS, the Kansas Association of Conservation Districts also unilaterally advocates the Kansas Legislature to fully fund the State Aid to Conservation Districts program; and

WHEREAS the annual budgets adopted for every conservation district in 2016 contain certifications of county allocations to each conservation district for calendar year 2017, and these district budgets should serve as the basis for the Division of Conservation's FY 2018 and FY 2019 State Aid to Conservation District state budget request, and thereby, for providing the necessary matching funds to conservation districts as provided under state law; then

THEREFORE, the Kansas Association of Conservation Districts requests enhanced funding of the State Aid to Conservation Districts program to meet county conservation district budget needs according to the county certified amounts as per K.S.A. 2-1907c up to $2,625,000.

2017 National Association of State Conservation Agencies (NASCA) & National Watershed Coalition (NWC) Conservation Conference Summary
Nebraska City, NE
September 25-27, 2017

DOC staff members that attended the NASCA & NWC Conservation Conference were Rob Reschke, Donna Meader, Cindy Pulse, Cathy Thompson, and Hakim Saadi (Hakim earned 10 CEUs from attending this conference for his engineering license). There was a total of 16 states in attendance. In addition, there were 7 individuals from Kansas Watershed Districts, and 3 from Kansas NRCS staff office.

On Monday, September 25th, a General Session was held for all in attendance. Various items were discussed to the whole group. Topics of interest included the *NRCS Watershed Program Update* (by Kevin Farmer, NRCS) *Conservation Districts' Vision of the Future* (by Brent VanDyke), *Congressional Activity* (by Pelham Straughn, Partner & Co-Founder 9b Group) and the *Future of Conservation at USDA* (by Leonard Jordan, NRCS Acting Chief).

Monday afternoon all attendees broke up into 3 different sessions. Three DOC staff members attended the NASCA Field Staff Session (Donna Meader, Cindy Pulse & Cathy Thompson), 1 attended the NWC Session (Hakim Saadi), and 1 attended the NASCA Business Meeting Session (Rob Reschke).

At the Field Staff Sessions conducted on Monday and Tuesday, various idea sharing presentations were made from each state. The objective of this session was to share successful ideas, techniques, and strategies to support programs, training, planning, funding, accounting, program implementation and services for conservation districts. Presentations were made on the following categories: 1) public outreach and education, 2) program delivery and partnership, and 3) building district capacity and training. On behalf of the DOC, Cindy Pulse gave a presentation on the Surface-Mining Land Reclamation Program. At the closing of each 3 main categories, each state represented participated in a general discussion regarding the presentations. In addition, informal roundtable dialogue was conducted and useful information was collected from the brainstorming sessions. The field staff session presentations were very informative and ideas were shared and captured by all.

Several presentations that were found interesting to DOC staff in attendance were: 1) Lisa Knauf-Owen from Oklahoma gave a presentation on *Farm to Table – Taking Soil Health to the Next Level.* Her presentation reviewed a pilot project that occurred in their state where a landowner that had non-agricultural land put 2 acres into cover crops that contained a mixture of seeds including vegetables. The vegetables were harvested and then given to their local food bank to feed the hungry and elderly. 2) Chris Workman from South Carolina gave a presentation on *Rainfall Simulator Success*. He talked about the use of their rainfall simulator and the versatility as a tool for conservation across a wide array of audiences. In his presentation, he talked about the use of a table top simulator which I thought could be a great idea for our Kansas Conservation Districts to utilize. 3) Brian Scott from South Dakota gave a presentation on *Supervisor Accreditation Modules*. Their state requires a conservation district supervisor to take a quiz at the end of the modules to become certified as a board member. 3) Nikki Brinson from Colorado gave a presentation on *Customer Relationship Management & Process Improvement*. They recently began utilizing ZOHO, a software program that works with products vital to their everyday function. Some popular integrations for them include Google apps, Wordpress, Evernote, and Unbounce.

Staff that attended the NWC sessions covered material for beginners, novice and dam experts. Sessions attended were on *Assessing and Rehabilitating Dam Embankments, Assessing and Rehabilitating NRCS Earth-Cut Auxiliary Spillways, Inspecting and Monitoring Embankment Dams,* and *Assessing and Rehabilitating Outlet Conduits and Drains.*

Tuesday afternoon, several field tours and exhibits were experienced. Three DOC staff members attended the East tour which informed those attending about the Loess Hills and Missouri River Floodplain Issues. The tour guides briefed us about the great flood of 2011 and the conservation that came out of it.

DOC staff that attended the South Tour was about the Watershed and Non-traditional conservation work. It was learned that the last PL-566 flood control dam built (2015) in Nebraska: A low hazard structure of 61 surface acres at conservation pool.

On Wednesday, September 27th, another General Session was held for the entire group. Various items were discussed to the whole group. Advocacy topics were discussed in the morning session; *Advocacy at the State Level* (by Todd Kercheval), and *Advocacy in DC* (by Pelham Straughn). The main information gathered from Pelham's remarks was to: 1) Tell Congress what is important to you, 2) Someone is always advocating, 3) If you aren't advocating, someone else is winning, 4) Relationships matter more than people think, 5) Trust and relationships win the day, 6) Show examples and results of your hard work, and 7) Be yourself and build relationships.

In addition, Tim Palmer, NACD First Vice-President gave a presentation on *NACD Farm Bill Task Force.* They worked to define a set of conservation policy request for the 2018 Farm Bill. Those requests will include the following policy: 1) No further cuts to conservation title funding, 2) Technical Assistance and Conservation Planning, 3) Repeal SAM/DUNS requirements, 4) Continue current conservation compliance policy, 5) Crop insurance should continue working in Tandam with conservation, 6) Regional Conservation Partnership Program (RCPP), 7) Small Watershed Dam Rehab Program, 8)Conservation Reserve Program (CRP), 9) Acreage Cap-A balanced approach, 10)CRP Technical Assistance at discretion of Secretary of Agriculture, 11) Grazing-as an ecologically management practice, 12) Transitioning out of CRP-ensuring environmental benefits, 13) SAFE acres separate under the county cap, 14) Increase CRP payment limit from $50,000 to $100,000, and 15) Natural disasters substituting for mid-contract management.

There was a Farm Bill Planning Session and a handout was distributed that reviewed "What is the Farm Bill?" A presentation was given in the afternoon by Jimmy Bramblett on *NRCS Programs.* He reviewed House Ag Committee Testimony, Conservation Program Highlights, Conservation Planning ahead of Program Contracting, Comprehensive Nutrient Management Plans, CRP-Multiple Contracts on Same Property, Enrolling Land into EQIP and/or CSP for Expiring CRP Contracts, and Installing Saturated Buffers on CRP Land-requires authority.

Additional Comments from Staff

Cindy Pulse

Summary of 2017 NASCA

Same as last year, I was very impressed with the set-up of the conference. Ray Ledgerwood is a great presenter and facilitator. Some of the states that presented have great things going on and are top-notch. Those are the ones that have programs and ideas I hope maybe we can learn and grow from at some point.

1. Oklahoma's Farm to Table is a great concept that could easily be promoted to the districts.

2. S. Dakota's Supervisor Accreditation modules could be a great source of information and ideas for improvement.

3. Colorado's Customer Relationship Management & Process Improvement may be another source of ideas for improvement.

4. Washington's CAPP (Conservation Accountability & Performance Program) is something I think anybody would benefit from.....very impressive.

5. There was much discussion on supervisors and getting them involved. Hosting summer school for the supervisors and family was mentioned, as well as other great ideas such as providing actual job descriptions to the supervisors, performance evaluations, etc.

6. Alabama has a Notebook of Education Resources that sounded interesting.

There was a wide variety of presentations that were given, with a lot of great information.

The only disappointment was the fact that the field session sharing session that we were in was cut short by ½ a day due to the combined meeting Monday morning. Four hours of information that could have been shared with the attending states was a severe delinquency. It sounds like next year it will be back to the standard two full days of discussion.

Hopefully this year we can put our heads together and brainstorm as a group what one or two things we gained from this conference and actually put into motion. I don't know about anyone else, but it sure gets my mind going thinking about all the things we could tie into our program, and even KACD, to make this a better and more productive program.

Hakim Saadi

I attended the National Water Coalition concurrent sessions focused on embankment dams (all our watershed dams are embankment dams). The sessions covered material for beginners, novice and dam experts. Those sessions are:

- Assessing and Rehabilitating Dam Embankments
- Assessing and Rehabilitating NRCS Earth-Cut Auxiliary Spillways
- Inspecting and Monitoring Embankment Dams

- Assessing and Rehabilitating Outlet Conduits and Drains

I also attended two general sessions discussing and highlighting Advocacy at the state level and in DC.

Looking forward to getting copies of the different presentations material, which will be available on the National Watershed Coalition Website in 2-3 weeks.

Attended the South field tour: Watershed and Non Traditional Conservation Work:

- The last PL-566 flood control dam built (2015) in Nebraska: A low hazard structure of 61 surface acres at conservation pool.
- Peru State College, the oldest college in NE.
- Nemaha Natural Resources District trail
- Auburn high school green house

I was pleased to see 7 people from Kansas Watershed Districts and 3 from NRCS - state office attending the National Water Coalition Annual Conference.

I would also add that I earned 10 CEUs from the NWC/NASCA conference for my Engineering License.

Attachment I

WASHINGTON COUNTY CONSERVATION DISTRICT
705 B STREET
WASHINGTON, KANSAS 66968

November 3, 2017

Dear SCC Board of Directors:

The Washington County Conservation District is asking for guidance and assistance with Water Resource Contract 2016-27. The project is a block drop structure and was originally designed for 125 concrete blocks along with 2500 cubic yards earthwork. Initial funding of $7,200.00 was approved through Milford WRAPS, but taken over by DOC in 2016.

Due to several heavy rains that occurred after the initial design but before construction, the NRCS Area Engineer had to redesign the project and determined that more concrete blocks were necessary, for a total of 173 concrete blocks. The previous Milford WRAPS coordinator had originally approved bringing this project before the Stakeholder Leadership Team (SLT) to increase the cost share amount, but he has since been released of his coordinator duties and the present WRAPS officials have denied his original approval. For this reason we are bringing it to you for your consideration.

The project is located in close proximity to the TMDL priority area in Washington County. The TMDL Priority Area along with the Project Site both drain to the Milford Lake. With ample funding available in the TMDL allocation, we are requesting that the SCC Board consider using a small portion of these funds to increase the landowners cost share amount. The landowners total project bill is $21,880.77. We would like to request $2,016.00 of additional funds be added to this project. This dollar amount accounts for 48 additional concrete blocks at $70.00 each for a total dollar amount of $3,360.00, with 60 percent equaling $2,016.00.

Thank you for your time and consideration of our request. We truly appreciate your dedication to conservation throughout the State of Kansas.

Sincerely,

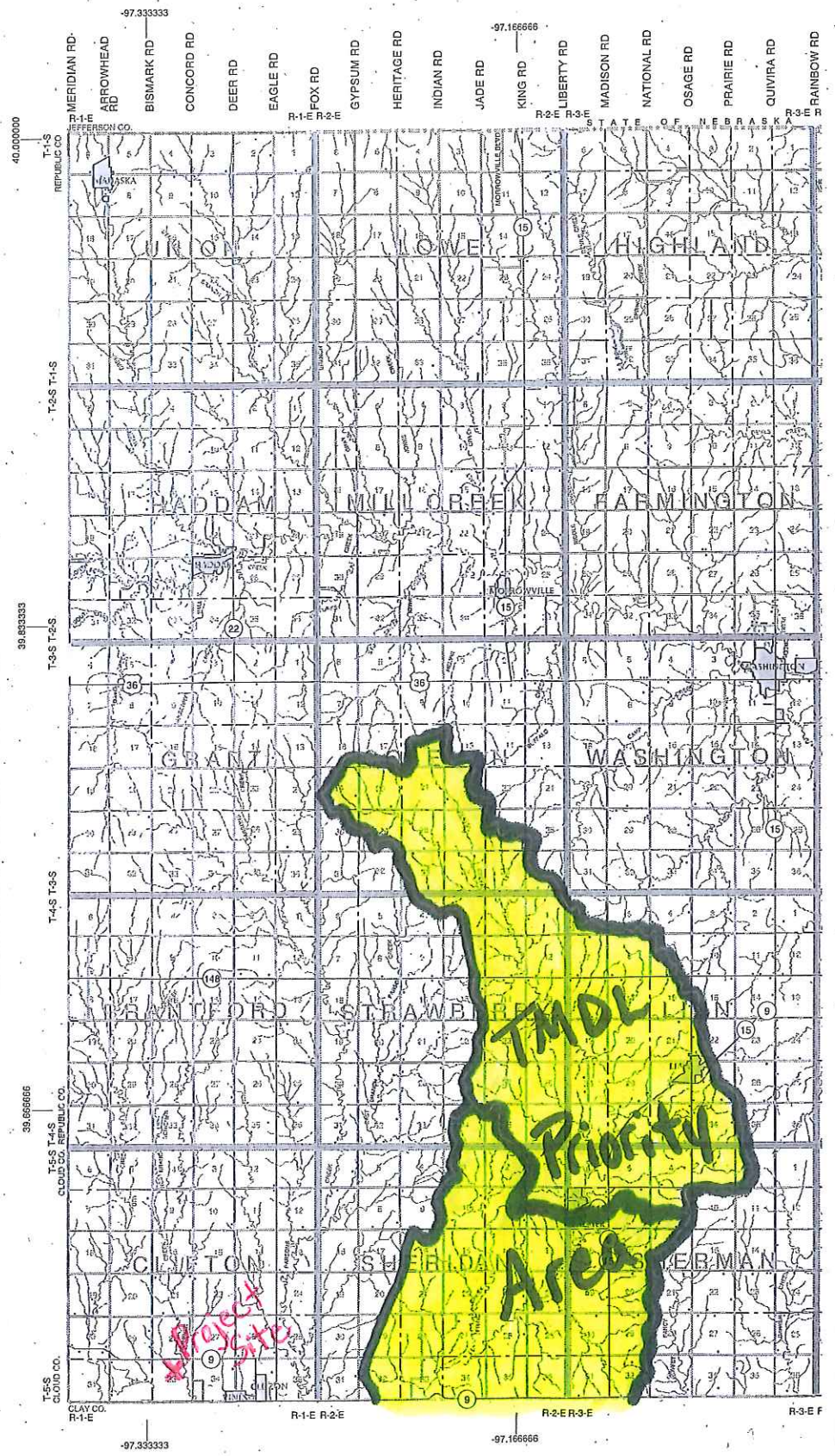
Nina Meyer

Nina Meyer
District Manager

Enclosure

Washington County, Kansas

COUNTY MAP



FY 2018 Reallocation Scenarios for WR and NPS

December Cancellation

a) **Target reallocation above Milford, Tuttle, Perry and John Redmond reservoirs, shovel ready projects based on current needs determined by "call for projects" from districts with a zero balance at time of cancellation.**

b) **Target projects that address water quantity issues, addressed in the "call for projects" or special projects.**

c) **WR and NPS funds allocated to counties outside of the targeted areas based on the current allocation formula for counties with a zero balance at time of cancellation. (percentage of funds after targeted projects have been approved if funds are available)**

d) **Leave a balance for ongoing wildfire relief initiative applications. ($30,000)**

e) **Additional Soil Health Education funds. ($15,000)**

f) **Expand the current TMDL funding areas to include more HUC 12 watersheds. This will allow the remaining current unallocated TMDL funds as well as cancelled funds to be utilized in the TMDL areas.**

National Association of Conservation Districts

State Conservation Partnership Coversheet

(to be submitted by *state association*)

Please attach individual conservation district templates with signatures and or letters for each district in which these employees will work. Please rank them in order that represents your state priorities.

State: Kansas

Primary State Contact:

Name	Phone Number	Email Address
Dan Meyerhoff	(785) 650-1330	kacd@eaglecom.net

Please identify the state partnership members participating:

- State Agency Representative: Rob Reschke
- NRCS State Representative: Sheldon Hightower
- State Association of Districts Representative: Dan Meyerhoff
- District Employees Association Representative: Stephanie Royer
- RC&D Association Representative: Don Stottlemire
- Other: (please specify) Representative: _____

Total funds requested:

$ 200,000 EQIP

$ 50,000 Conservation Planning (CTA)

(An attached narrative no longer than 200 words is required explaining the need, including any high priority requests for conservation planning funds)

State Submission Budget Totals:

NACD grant funds can be used for employee salary and benefits, consultants, contractors, and training. No more than 10% of NACD provided funds can be used for supplies and equipment. Please provide in the budget chart below how grant funds will be allocated, with a brief description for each item. Up to 10% change in budgets will be allowed after approval, changes larger than 10% will require advance approval.

Matching funds are required at the rate of 20%. So for each $.80 of NACD funds provided a dollar will result with the inclusion of the match. Cash match is preferred. In-kind match will be considered. Some examples of qualifying match or typical match items include district manager supervision, board oversight, equipment provided (survey instrument, computer, pickup or vehicle, etc.). Please identify the amount of match that

is cash and the amount that is in-kind, if it is proposed. Explanatory notes are necessary to inform on the sources and or the amounts of match.

Expense Item	NACD provided funds	Matching Funds (20%) Cash/In-Kind
Salaries and benefits (Should be 80% of funds)	NRCS/NACD $187,500 NRCS $12,500 NACD	$50,000
Training		
Supplies and equipment (no more than 10% of total)		
Other		
Explanatory notes on match	Match provided by the Kansas Department of Agriculture, Division of Conservation	

Total employees for state expected to be employed by these funds: _5_____
(express in staff years in tenths, e.g. 1.6 staff years)

Number of individual conservation districts where funds will be used: ____15__

Signatures of State Partners:

Signed:_____ Name: _____ Date: _____

Signed:_____ Name: _____ Date: _____

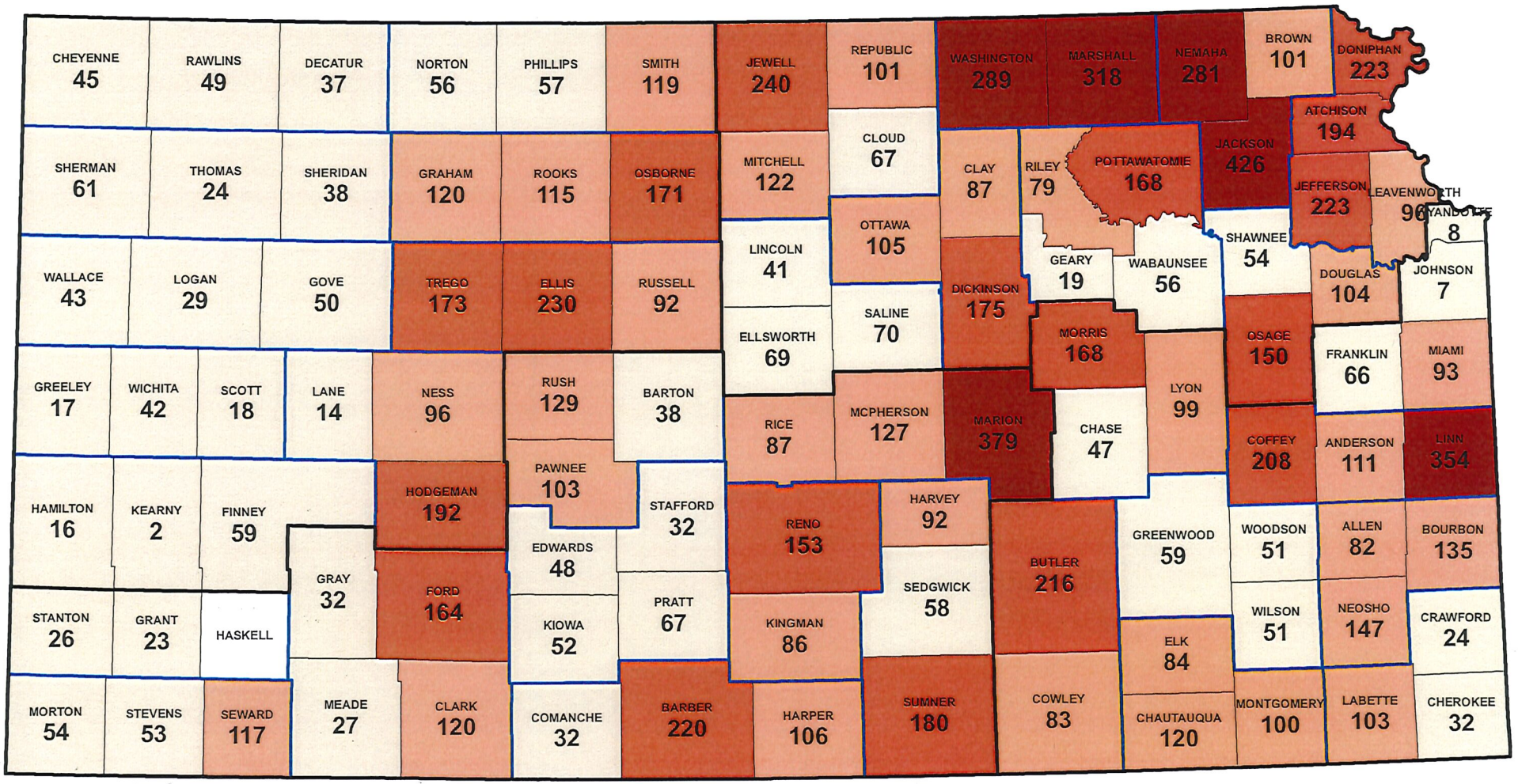
Signed:_____ Name: _____ Date: _____

Signed:_____ Name: _____ Date: _____

Signed:_____ Name: _____ Date: _____

USDA United States Department of Agriculture

Kansas Planned EQIP and RCPP Conservation Practices



Natural Resources Conservation Service
November 6, 2017 - Resource Conservation Staff - Salina, KS

KS-18-???

TECHNICAL ASSISTANCE GRANTS

NACD has secured a $10 million cooperative agreement with NRCS to further enhance conservation district technical assistance across the nation.

A significant portion of the granted funds will be awarded directly to conservation districts to hire staff where additional capacity is needed to improve customer service and reduce workload pressure. This agreement includes:

- **$9 million for conservation planning and Environmental Quality Incentives Program (EQIP) implementation assistance.**
- **$1 million for NACD to manage the project.**
- **A 25% match will be required for each agreement.** Match is preferably cash, but in-kind will be considered. NACD is required overall to have a 25% match for each agreement it makes with a district, however, NACD will be providing the first 5%. Conservation districts will need to supply the remaining 20%. Most contracts will cover funding for a 1-year period.

NACD will ask state/territory conservation partnerships to identify high-priority locations for the use of these funds. Funding will be awarded in batches on an ongoing basis as proposals are received with attention to parity across the country.

NACD's priority is to get the $9 million in the hands of conservation districts in the first and second quarter of Fiscal Year 2018 (FY18) so that they can hire employees to help carry out the objectives of this agreement. Funding assumptions are that this $9 million would hire about 180 full-time equivalents (FTEs). Some will likely be part-time, contractual, and/or serve multiple districts.

Click below to view and/or download:

The funding announcement

A briefer and project timeline for this agreement

A list of Frequently Asked Questions about this agreement

NACD's one-pager on "The Basics of Conservation Delivery"

The National Conservation Partnership's Memorandum of Agreement

---

APPLICATION TEMPLATES

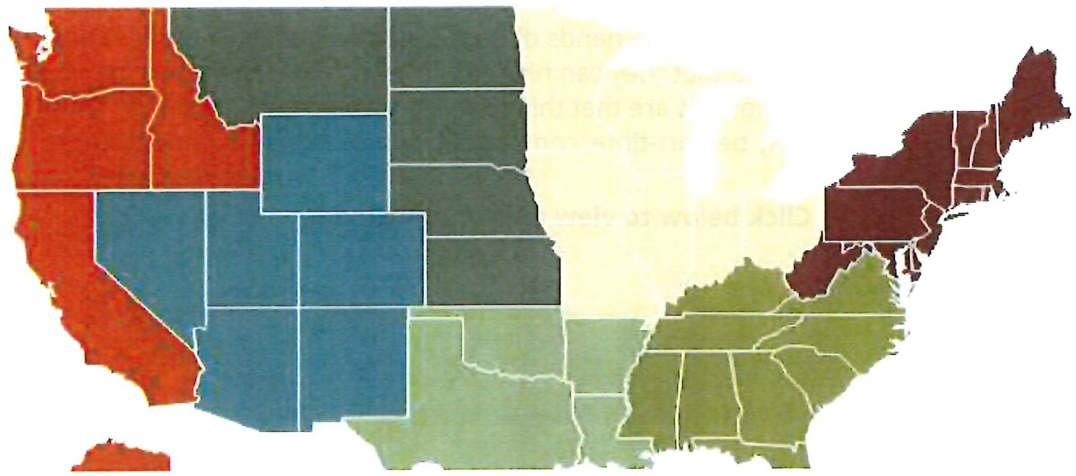
The following templates must be completed and included in each state/territory partnership's application for funding.

Template application for each conservation district requesting funding |DOC| |PDF|
State conservation partnership coversheet template |DOC| |PDF|
Metrics template |XLS| |Online Form|

PLEASE CONTACT YOUR REGION'S REPRESENTATIVE WITH ADDITIONAL QUESTIONS:

PACIFIC | NORTHEAST | SOUTHWEST | SOUTHEAST

NORTHERN PLAINS | SOUTH CENTRAL



Beth Mason, North Central Region Representative
(317) 946-4463
P.O. Box 17186
Indianapolis, IN 46217

Vacant, South Central Region Representative
Please contact the Director of Projects and Partnerships **Rich Duesterhaus** at (202) 595-9137.

Phylis Vandevere, Southeast Region Representative
(601) 941-8251
6091 Ebenezer-Coxburg Road
Lexington, MS 39095

Jeff Burwell, Pacific-Southwest Region Representative and Western Issues Specialist
(970) 413-1454
181 Poplar Place
Ridgway, CO 81432

Eric Hansen, Northeast Region Representative and Policy Specialist
(202) 547-6223
509 Capitol Court, NE
Washington, DC 20002

Laura Demmel, Northern Plains Region Representative
(406) 539-4670
P.O. Box 6372
Bozeman, MT 59771

Resources

Conservation District Directory

Technical Assistance Grants

District Guides

NACD Reports

Webinars

NACD Awards

Conservation Planning Boot Camp

LATEST NEWS

LEARN MORE

CALENDAR OF EVENTS

VIEW THE CALENDAR

FIND YOUR LOCAL DISTRICT

VIEW THE MAP

CONTACT US

NACD Headquarters
509 Capitol Court, NE
Washington, DC 20002-4937

Phone: (202) 547-6223
Fax: (202) 547-6450
E-MAIL US

MAP & DIRECTIONS

National Association of Conservation Districts

To: State Association Leadership and NACD Board of Directors

From: Jeremy Peters, CEO of NACD

Date: November 2, 2017

Subject: NACD Announcement of Technical Assistance Grants to Conservation Districts

Good afternoon,

Today, NACD launched a webpage announcing the availability of $9 million in technical assistance grants for conservation districts.

This funding will help conservation districts build their technical assistance capacity and thus enhance their ability to provide conservation planning and technical assistance specific to conservation practice implementation. NACD will administer these funds – provided by NRCS – to conservation districts in high priority locations across the nation. The highest priority locations will be identified by state/territory conservation partnerships based on the districts' immediate conservation needs, EQIP workload, and staffing requirements given these workloads.

Of the $9 million available to conservation districts through this grant opportunity, $7,357,500 will be allocated to hire district employees that will assist landowners in implementing EQIP contracts. Thus, the bulk of the applications approved for funding will address staff shortages specific to EQIP implementation. Additionally, $1,642,500 is available for conservation districts that require greater capacity to provide conservation planning assistance. The bulk of the applications approved for funding will address staff shortages specific to EQIP implementation while a more limited number of agreements will be available for planning technical assistance.

Overall, NACD anticipates that about 180 staff years of work will be funded through these agreements with conservation districts. However, we also anticipate these staff year costs will vary considerably across the nation given differences in position type and cost of living.

Partnership

NACD is actively soliciting applications from all state/territory conservation partnerships for these funds. For most states/territories, these partnerships will include representatives of a state/territory's association of conservation districts, NRCS, state conservation agency, association of conservation district employees, and RC&D association, where applicable.

For tribal conservation district applications, we ask that the state/territory partnership leaders

advise tribal leaders to send their submissions directly to NACD Director of Projects and Partnerships Rich Duesterhaus at rich-duesterhaus@nacdnet.org.

Each state/territory partnership is asked to work together to develop their request for funding. In every state and territory, the NRCS state conservationist will be able to provide data on conservation workload essential to developing an application.

State conservationists will identify where the highest needs for technical assistance exist in their state/territory and will communicate to their state partners and NACD where the highest priorities are, as well as what type of technical assistance is required and what resource concerns need to be addressed, as applicable. Note: This information from state conservationists will be used by NACD to evaluate funding applications, but will not be considered as an application for assistance.

The National Conservation Partnership – made up of NACD, NRCS, NCDEA, NASCA, and NARC&DC – sees this grant opportunity as a prime way to assist in continually strengthening state conservation partnership delivery of conservation services. To learn more about the partnership's goal to build and galvanize the state conservation partnerships, see the 2015 National Conservation Partnership MOA.

Submission Guidelines

State and territory partner applications for funding will be evaluated by a panel comprised of National Conservation Partnership representatives in batches. The first batch will be evaluated the week of November 27th and awards will be announced on the 30th. Please see the "Evalution of Applications" section below for subsequent review periods.

NACD's goal is to have all of the $9 million available placed prior to March 31, 2018. An initial payment of $5,000 – or 5% of the requested budget – will be provided to a recipient district when notified of their selection. This initial payment will help districts begin the hiring process as soon as possible. Once a district signs an agreement with NACD, the full agreed to amount will be provided. The agreement holders/signers will be responsible for the completion of the agreed upon work, and should complete that work within twelve months.

However, recipient districts will have 13 months to use their funds following the receipt of their first payment. This additional month will allow for time needed to recruit and hire new employees or contractors. In case of extenuating circumstances, a time extension may be granted, but districts are asked to use their funds to increase technical assistance capacity in as timely and effective a manner as possible.

Each application for funding requires:

- **A 20% match for funds received.** Overall, NACD's agreement with NRCS requires a 25% match. However for each NACD-district agreement, NACD is fulfilling the first 5%. For the remaining 20%, cash match is preferred. In-kind match will be considered and a mix of the two will also be considered.
- **A metrics chart** (see metrics chart template) **with the planned accomplishments filled in for each proposal.** E.g. number of practices designed, installed, and certified, including acres or plans assisted and resource concerns to be addressed.
- **Agreeing to provide quarterly reports on progress according to the agreement metrics.** Some metrics will be applicable to all NACD-district agreements, while others will vary based on the specific work being carried out.
- **State partnership coversheet** (see template coversheet), which includes the state summary budget and match information.
- **Completed applications for each conservation district where work will occur** (see template conservation district application), including budget and match information, plus a signature from each applying conservation district.

Evaluation of Applications

Applications will be evaluated in batches with the first batch to be reviewed the week of November 27th and subsequent batches reviewed weekly until all funds are placed. Thus the second batch will be reviewed the week of December 3rd with announcements on December 7th and then the following weeks until the funds are all placed. The evaluations will include the state rankings (which is the first step of the evaluation), the national EQIP workload by state, completeness of the application, and a narrative justifying conservation planning needs, including any high priority situations such as hurricane or storm recovery areas.

Contact Information

Applications should be submitted by a state/territory association of conservation districts to NACD Director of Projects and Partnerships Rich Duesterhaus at rich-duesterhaus@nacdnet.org, with a copy to the state or territory's respective NACD regional representative listed on the next page.

NACD's regional representatives are available to assist you should you have any questions:

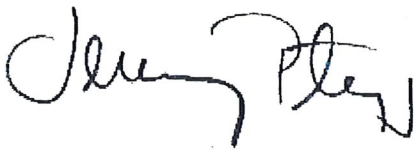
- Jeff Burwell, Pacific and Southwest Regions – jeff-burwell@nacdnet.org
- Phylis Vandevere, Southeast Region – phylis-vandevere@nacdnet.org
- Laura Demmel, Northern Plains Region – laura-demmel@nacdnet.org
- Eric Hansen, Northeast Region – eric-hansen@nacdnet.org
- Beth Mason, North Central Region – beth-mason@nacdnet.org
- Vacant, South Central Region – rich-duesterhaus@nacdnet.org

Additional Information

A one-page briefer about this project was distributed previously. Also a set of FAQs has been distributed and will be updated throughout the project as needed. Both documents are available on NACD's Technical Assistance Grants webpage. They should be reviewed as applications are being prepared.

Thank you for your interest in this opportunity to advance conservation delivery and the conservation partnership.

Sincerely,



Jeremy Peters

Chief Executive Officer

National Association of Conservation Districts

The National Association of Conservation Districts'

Technical Assistance Grants

NACD has secured a $10 million cooperative agreement with NRCS to further build and enhance conservation district technical assistance across the nation.

The Basics:

A significant portion of the funds will be awarded directly to conservation districts to hire staff where additional capacity is needed to improve customer service and reduce workload pressure.

This agreement includes:

- $9 million for conservation planning and EQIP implementation assistance.
- $1 million for NACD to manage the project (over a two-year plus period).
- A 25% match will be required for each agreement. Match is preferably cash, but in-kind will be considered. NACD is required overall to have a 25% match and is providing the first 5%. Districts will need to supply the remaining 20%. Most contracts will cover funding for a 1-year period.

NACD will ask state/territory conservation partnerships to identify high-priority locations for the use of these funds. Funding will be awarded in batches on an ongoing basis as proposals are received with attention to parity across the country.

NACD's priority is to get the $9 million in the hands of conservation districts in the first and second quarter of Fiscal Year 2018 (FY18) so that they can hire employees to help carry out the objectives of this agreement. Funding assumptions are that this $9 million would hire about 180 Full-Time Equivalents (FTE's). Some will likely be part-time and/or multi-district.

NACD plans for some contractor assistance for region representatives and to provide additional capacity and assistance in coordination/communication with state partners.

Initial Implementation Steps:

- August 29, alert NACD board
- September 11 and 27, brief all NACD staff via teleconferences
- September 28, distribute briefing materials and project FAQs
- October 4, hold national teleconference with NACD Board/Staff, State/Territory Contacts
- State/territory partnerships begin determining workload priorities and conservation district participants, regional teleconferences scheduled
- In October, add contractor capacity for NACD
- Secure final approval on plan of work, timeline, and reporting metrics
- November 1, prepare announcement for the project; distribute to all state and territory partners
- Goal is to have all funds ($9m) transferred to conservation districts and engaged in hiring by March 31, 2018

The National Association of Conservation Districts'

Technical Assistance Grants

Frequently Asked Questions | Published September 29, 2017

1. How much funding is available?

$9 million - 82% of which will go to support EQIP implementation and 18% for conservation planning.

2. For how long a period is this funding available?

Generally, one year. There could be a need for an extension in a few cases and we are planning to provide for that.

3. What is the requirement for matching funds?

A 25% match is required. NACD is capturing 5%, so each individual district will be required to provide a 20% match. For example, for every dollar of the agreement, $0.80 is granted and a $0.20 match is required of the district.

a. Must the match be cash or in-kind? Preferably cash, but both will be considered.

b. Some suggestions for match include: funding from county and state government; existing employees spending time on this project such as overseeing a new hire. More suggested options are included in the funding announcement.

c. Match should come from non-federal sources for either cash or in-kind match.

4. Who is eligible to receive grant funds?

Conservation districts are intended to be the primary recipients of funds. In instances where conservation districts are unable to participate, state associations of conservation districts and/or state conservation agencies could be eligible. NACD will also consider joint agreement between two districts, or a district and an association or state agency.

5. What program TA service(s) are needed?

EQIP implementation and conservation planning.

6. What is the process to identify needed TA services?

Each state conservation partnership will pick their highest priority locations.

7. When must grant TA services be completed?

The initial goal is to provide one year of technical assistance services from the time a conservation district signs their agreement.

8. Must TA services be provided by new hires (increased capacity) or can existing district TA staff do the work?

Both, however the expectation is to build capacity so hiring new employees/contractors will also be a part of this mix.

9. Who will oversee the practices/plans prepared from a quality standpoint?

The practices/plans will need to meet NRCS specifications, so the party signing the agreement will need to ensure proper oversight of the work completed. The arrangement could also be different depending on who signs the agreement.

10. Who is responsible (liable) for quality of work?

Generally, the party that signs the agreement will be responsible just as they are under many other existing similar situations.

11. What training (actual training or funding) is provided for new district hires and for existing district employees doing this work?

Normal training for new hires would be a part of the agreement, as would normal training for existing employees. Again, it will vary depending on the type of work undertaken.

12. What degree of "certification" (and by whom) is required of conservation district employees performing specific technical assistance work (e.g., nutrient management, structural, riparian areas restoration, conservation planning) under these grant agreements?

The degree of certification and job approval authorities will vary depending on the type of work involved, however individuals hired or contracted to perform work will need to demonstrate relevant qualifications. New hires would likely work with guidance from a more experienced employee.

13. What reporting requirements will there be?

The agreement will spell out applicable reporting requirements, but reports would usually be required on a three-month or quarterly basis. NRCS has some specific measures for reporting.

14. Who will submit the requests from each state?

The State/Territory Conservation Partnership will identify their highest priority needs and the state/territory association of conservation districts will submit the application to NACD.

15. What kinds of employees will be eligible?

Employees with the skill sets to assist in meeting the local district's workload will be eligible. These could be new hires, redirected existing employees, part-time, former district, or other conservation employees. In some cases, the district may choose to use a contractor arrangement.

16. Who will be signing the agreements?

NACD's CEO and the individual districts' representative and/or other signatories will sign.

17. Are there any restrictions on what districts can receive these funds?

Any district can receive funds if recommended by their state partnership. Tribal districts are also eligible for funding.

18. How will state proposed districts be approved?

Approvals will be awarded in batches as they are received with attention to parity across the country beginning the week of November 27th.

20. How long will a district have to implement their signed agreement?

Districts will have one year to complete work, starting the day the agreement is signed. NACD will also allow districts an additional month to complete hiring.

21. Can you please take some steps to speed up the process of getting LinkPasses and other access to USDA NRCS tools?

Yes, we have begun identifying ways to help district employees receive access. We recognize this is important not just for this TA agreement, but for all districts that are providing services to customers using USDA tools. We will also offer some suggestions on this topic in the announcement.

22. Is it ok for a district that is already sharing resources such as survey equipment to receive one of these agreements?

Yes.

23. Would a state be able to apply for a block grant of funds from this agreement?

The funds sent to a conservation district will be much like a block grant with a purpose of providing technical assistance to customers. The district will manage the employee(s) and the funds.

24. Would payroll costs be allowed as a part of the agreement?

Yes, normal expenses to hire and support an employee can be included.

25. Some states/territories and districts already have agreements. Is this agreement intended to replace those?

No, these agreements would be supplementary to existing agreements.

26. Will this agreement process be a one-time arrangement or will there be subsequent agreements in future years?

At this time, we have no guarantee of future funding. We do plan, however, to pursue such arrangements in the future if they are productive for the conservation partnership and help conservation districts serve their customers.

27. Will each agreement include TA for planning and TA for EQIP implementation?

Not necessarily. There will be some agreements for EQIP TA only, some for conservation planning TA only, and probably some with both.

28. Will districts in all states and territories receive an agreement?

Ideally, we would like to have agreements with districts in all states and territories. We understand, however, that one or more may decide not to participate. We plan to provide funding to each state/territory proposal for their highest priority submissions.

29. Can these funds be used for translating information materials?

It will depend on the partnership request. We do want to ensure that all customers are served and if there are customers who need materials translated, a reasonable amount of the agreement should be available for such.

30. When would a district receive their funds?

Districts will receive initial funds as soon as the submission is approved to allow for hiring. The remainder of the funds will be furnished as soon as a formal agreement is signed.

The National Association of Conservation Districts on

The Basics of Conservation Delivery

Conservation districts are local units of government established under state law to carry out natural resource management programs at the local level. Most districts' boundaries coincide with county lines, but in a few states, are multi-county or along watershed boundaries.

Conservation districts serve as coordinators for conservation in the field, as well as:

- Implement farm, ranch, and forestland conservation practices to protect soil productivity, water quality and quantity, air quality, and wildlife habitat;
- Conserve and restore wetlands, which purify water and provide habitat for birds, fish, and other animals;
- Protect groundwater resources;
- Assist communities and homeowners in planting trees and other land cover to hold soil in place, clean the air, provide cover for wildlife, and beautify neighborhoods;
- Help developers control soil erosion and protect water and air quality during construction; and
- Reach out to communities and schools to teach the value of natural resources and encourage conservation efforts.

The National Association of Conservation Districts (NACD) is the nonprofit organization that represents America's 3,000 conservation districts, their state and territory associations, and the 17,000 men and women who serve on their governing boards. **The association was founded on the philosophy that conservation decisions should be made voluntarily at the local level** with technical and funding assistance from federal, state, and local governments, as well as the private sector.

Depending on the state, districts may go by different names—"soil and water conservation districts," "resource conservation districts," and "natural resource districts"—but they all share a single mission: to coordinate assistance from all available sources to develop locally-driven solutions to natural resources concerns.

Conservation districts receive funding through their state and county governments, cooperative or contribution agreements with the USDA Natural Resources Conservation Service (NRCS), competitive grants, and in some instances, through taxes or fees.

All districts are governed by a board of directors, who are appointed or elected and serve set terms of office. These directors—who may also be referred to as commissioners, depending on the state—are public officials that meet on a regular basis to conduct business and set priorities for their districts. Conservation district officials are usually subject to the same laws as other elected or appointed members of state government. District programs and operations are generally carried out by paid district employees, whose interests are represented by the National Conservation District Employees Association.

NACD • 509 Capitol Ct, NE • Washington, DC 20002 • (202) 547-6223 • www.nacdnet.org

The National Association of Conservation Districts on

The Basics of Conservation Delivery

Districts work with millions of landowners, land managers, and local communities every year, helping them manage and protect land and water resources on private and public lands across the United States and its territories. Many districts have been serving their communities for seven decades or more.

Many of the voluntary, incentive-based natural resource programs that districts use to deliver conservation to landowners and operators are administered by NRCS. In most instances, NRCS field offices are co-located with district offices and their staffs work together to provide conservation planning services, practice implementation assistance, and other resources to customers.

In implementing the state laws that created conservation districts, each governor has signed a memorandum of understanding (MOU) with the USDA, outlining their collaborative relationship. Each conservation district also has a more specific memo with the USDA NRCS. Over 70 years of working together to plan and install conservation measures, many working arrangements between NRCS and districts have been established to better serve conservation customers, including co-location.

In most states, a state agency (often the state department of agriculture or natural resources) provides coordination, training, and other resources to their respective conservation districts as well. These state conservation agencies are represented nationally by the National Association of State Conservation Agencies.

NACD • 509 Capitol Ct, NE • Washington, DC 20002 • (202) 547-6223 • www.nacdnet.org

USDA

United States Department of Agriculture

NRCS HIGHLIGHTS OF ACTIVITIES
for the joint meeting of the
KANSAS ASSOCIATION OF CONSERVATION DISTRICTS
And
STATE CONSERVATION COMMISSION
WICHITA, KANSAS
November 19, 2017

MANAGEMENT AND STRATEGY

- State Conservationists in coordination with state partners can submit nominations for the Olin Sims Conservation Leadership Award. This award helps to further promote and recognize outstanding conservation leadership at the State level, farmer and rancher levels, or both. Nominations to be forwarded from Kansas are being accepted through November 20, 2017. They can be sent to Gaye Benfer, NRCS, and Dan Meyerhoff, KACD.
- Advertised five vacant Soil Conservation Technician positions in Hays, Jetmore, Oakley, Eureka, and Iola, and for a Soil Conservationist in Kingman. Selections are in the process of being made.
- As part of the national reduction of vehicles in the Farm Production and Conservation Mission Area, Kansas Natural Resources Conservation Service (NRCS) will be reducing another 23 vehicles before the end of the calendar year.
- We will continue the Tri-State Leadership Development Program with Missouri, Arkansas, and Kansas.
- New Staff:
  - Katlynn Bourne, Soil Conservation Technician, Jetmore Field Office
  - Laura Muse, Soil Conservation Technician, Hays Field Office
- Acting Staff:
  - Kyle Franz, Acting District Conservationist, St. Francis Field Office
  - Tanya Gerstberger, Acting District Conservationist, Atwood Field Office
  - Monty Breneman, Acting Assistant State Conservationist for Field Operations in Area 1, through December 31, 2017
  - Kris Ethridge, Acting Assistant State Conservationist for Programs, through December 31, 2017
  - Larry Schieferecke, Acting State Conservation Engineer, through January 28, 2018
  - Jarred Kneisel, Acting Assistant State Conservationist for Field Operations in Area 2, through February 25, 2018
  - Sheldon Hightower, Acting State Conservationist, through February 25, 2018.
- We will be operating under a Fiscal Year 2018 continuing resolution through at least December 8, 2017.

(more)

Natural Resources Conservation Service
760 South Broadway Boulevard
Salina, Kansas 67401-4604

Phone: 785-823-4500
FAX: 855-533-5070
www.ks.nrcs.usda.gov

PROGRAMS

- We are 100% obligated on the Kansas Wildfire Initiative approved applications.
- Nationally, NRCS obligated $1.12 Billion in the Environmental Quality Incentives Program (EQIP) in fiscal year (FY) 2017.
- Kansas NRCS obligated over $35 Million in 1,228 contracts in FY17.
- The 2018 EQIP general sign up evaluation deadline was November 17, 2017.
- Kansas is working on approving and obligating 59 new 2018 Conservation Stewardship Program (CStP) contracts and one renewal.
- Two Regional Conservation Partnership Program (RCPP) proposals have been submitted and waiting on NHQ final approval.
  - Milford Lakes RCPP Project with Kansas Water Office as the lead partner.
  - Doniphan County RCPP project with Doniphan County Conservation District as lead partner.
- Kansas is still waiting on FY18 RCPP proposal deadline dates.

Agricultural Conservation Easement Program–Wetland Reserve Easements (ACEP-WRE)

- Have closed on all five FY16 ACEP-WRE. These easements will now move into the wetland restoration phase of the program.
- There are 23 FY17 WRE enrollments that are moving forward. Currently 7 of the enrollments are having easement boundary surveys completed. NRCS works with a private surveying company to complete the easement boundary surveys.
- FY18 easement monitoring activities will commence in the near future. All easements are monitored every year.
- Application/ranking cutoff dates have been established for FY18. Those dates are December 22, 2017, February 9, 2018, and April 6, 2018 for ACEP-WRE. ACEP-ALE applications that are submitted by Land Trusts have a February 9, 2018 application cutoff date.

Watershed Operations

Thirteen proposals for PL-566 watershed operations funding were submitted for funding considerations. Nine proposals were selected for funding totaling $2 Million. Funding will be used to update five (5) watershed plans including environmental assessments, and finalize designs for two sites. The sites funded include:

1. South Fork Wolf River WP 12-26
2. Elk Creek WP Site 4
3. Elk Creek WP Site 12
4. Squaw Creek Wolf River WP site 5-8
5. Squaw Creek Wolf River WP Site 5-9
6. Upper Black Vermillion WP Site 14
7. North-Middle Forks Wolf River WP Site 15-4
8. North-Middle Forks Wolf River WP Site 15-5
9. North-Middle Forks Wolf River WP Site 19-8

Water Resources staff is currently working with the three watershed districts (WSD) involved to get funds obligated in Project Agreements and preparing to provide technical assistance to the WSD's as they contract with engineering firms to complete the work over the next 18-24 months.

Emergency Watershed Protection Program (EWP)

Construction has now been completed for the Upper Verdigris auxiliary spillway repair project in Greenwood County, which finalizes recovery work on all seven (7) funded projects including: Doniphan and Brown County Exigency streambank projects, Marion County streambank stabilization, Wabaunsee Township streambank project, the nine (9) tornado debris removal project sites in Dickinson County, and Doniphan County watershed restoration project.

Watershed Rehabilitation Program Activities

- Kansas has FY17 funds to complete designs for three dams that have completed rehabilitation planning. Additionally, Kansas received funding to complete one dam assessment in Walnut Creek watershed which is now under contract. Agreements with the WSDs have been amended for the design projects.
- The Supplemental Watershed Plan and Environmental Assessment has been completed on Upper Walnut sites 6 & 21. A Finding of No Significant Impact (FONSI) still needs to be posted, then we can proceed into the design phase of the project.
- The Supplemental Watershed Plan and Environmental Evaluation for Little Walnut-Hickory Watershed site 19 has been completed. NRCS and the sponsors are working with the contractor to wrap up the planning phase prior to initiating the design phase.
- Watershed planning continues for Muddy Creek Watershed site 4-6 and Rock Creek Watershed site 2. Additional alternatives are currently being considered by the watershed districts for selection of a preferred alternative for each project.

OUTREACH

- Attended the Governors Water Conference and will be attending the KACD Convention and Wichita Farm Show.

Press Releases

New video documentary

- A Hugh Hammond Bennet video titled "The Story of America's Private Land Conservation Movement" is now available on the NRCS Web site. It's a 21 minute video documentary on the conservation movement that began during the dust bowl to now.

SCC Meeting on November 19, 2017

Watershed Dam Construction Program

Watershed Districts Rehab Updates:

Watershed District	Site	Cost-Share Approved	Progress
FY 2018			
Vermillion Creek WD 70, Revised (*)	SC-1	$46,373.56	Done, Waiting on Contract and CoC
Rock Creek WJD 84	205	$75,090.00	
Labette-Hackberry WJD 96	B-21A	$84,700.00	
Pawnee WJD 81 (Jones/Neill)	5-11	$120,000.00	Started
Wet Walnut WJD 58	145	$69,440.00	
Switzler Creek WD 63	3	$120,000.00	
Delaware WJD 10	A-36	$12,553.64	
FY 2017			
Pawnee WJD 81 (Jameson)	5-3A	$75,280.00	Done, waiting on CoC
Wet Walnut WJD 58	143	$81,064.00	Done, waiting on CoC
Long-Scott 93	I-33	$112,911.00	Done, Waiting on Eng
Vermillion Creek WD 70, Revised (*)	SC-1	$73,626.44	Done, Waiting on Contract and CoC

.