

MINUTES OF THE STATE CONSERVATION COMMISSION

April 12, 2010

1. The State Conservation Commission meeting was called to order by Rod Vorhees, Chairman and Area V Commissioner at 9:04 a.m., Monday, April 12, 2010, at the State Conservation Commission, 109 SW 9th St., Suite 500, Topeka, 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, Vice-Chairman
Rod Vorhees, Area V Commissioner, Chairman

Ex-Officio & Appointed Members:

Eric Banks, State Conservationist, USDA, Natural Resource Conservation Service
Dan Devlin, Professor, Water Quality, Agronomy, Kansas State University
Phil Barnes, Associate Professor, Water Quality, Biological & Agricultural Engineering,
Kansas State University, Research & Extension

Staff:

Greg Foley, Executive Director
Scott Carlson, Assistant Director
Max Foster, Chief Fiscal Officer
Steve Frost, Water Conservation. Program Manager
Hakim Saadi, Watershed Programs Manager
Don Jones, Water Quality Program Manager
Dee Turner, Conservation District Program Coordinator
Rob Reschke, Riparian & Wetland & Buffer Program Coordinator

Guest:

Pat Lehman, Executive Director, Kansas Association of Conservation Districts
Lynn Retz, Auditor, Legislative Post Audit arrived at 11:30 a.m.

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3. APPROVAL OF AGENDA:

Motion by Brad Shogren to approve the agenda as presented. Seconded by Ted Nighswonger. Motion carried.

4. MINUTES OF THE PREVIOUS MEETING:

Motion by John Wunder to approve the January 19, 2010 minutes as mailed. Seconded by Andy Larson. Motion carried.

5. COMMENTS FROM GUESTS:

- a. Pat Lehman, Executive Director, Kansas Association of Conservation Districts (KACD), gave an update (see Attachment A).

6. FINANCIAL REPORT:

- a. Max Foster gave the financial report update (see attachment B).

7. COMMUNICATIONS AND ANNOUNCEMENTS:

- a. Thank you letters from the State Conservation Commission (SCC) to the Conservation Districts for presentations at the Spring Workshops.
- b. Legislative Post Audit - The Legislative Post Audit Committee has approved an audit be completed evaluating the potential for cost savings combining some or all of the States' water related agencies (see Attachment C for the Scope of Work).

8. UNFINISHED BUSINESS:

- a. Discussion on attendance and workshop content of the SCC spring Workshops – Dee Turner (see Attachment D).
- b. Legislative update and review of the Fiscal Year 2011 budget – Greg Foley.
- c. Update on 2010 joint summer meeting with KACD (sponsored by KACD Area III director) – Pat Lehman, KACD.

9. NEW BUSINESS:

- a. Discussion on Fiscal Year 2011 cost-share program allocation scenarios – SCC staff.

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- b. Review Fiscal Year 2011 Program policy revisions – Scott Carlson/Don Jones.
 - i. Review recommended policy to print DA-146a, *Contractural Provisions Attachment* with cost-share contracts beginning in Fiscal Year 2011 and approve DA-146a reference language noted on Landowner Agreements (see Attachment E).

Motion by Brad Shogren to approve the policy to print DA-146a *Contractural Provisions Attachment* with cost-share contracts beginning in Fiscal Year 2011 and approve DA-146a reference language noted on the Landowner Agreements. Seconded by Ted Nighswonger. Motion carried.

- ii. Review recommended WRCS, NPSPC and RWPP Cost-Share Program policy revisions (see Attachment F).
 - 1) WRCSP and NPS cost-share provided for one time reseeding of a failed cover crop.

Motion by John Wunder to approve cost-share assistance be provided for the one time reseeding of a failed cover crop under the following seeding practices: Pasture and Hayland Planting, Range Planting, and Critical Area Planting. Seconded by Brad Shogren. Motion carried.

- 2) NPS Diversion Code 362 be added to Sediment Control.

Motion by Brad Shogren to add Diversion Code 362 be added to Sediment Control project type. Seconded by Ted Nighswonger. Motion carried.

- 3) NPS and RWPP Streambank Protection Repair Code 580r.

Motion by Ted Nighswonger to add Streambank Protection Repair Code 580r for Fiscal Year 2008 and beyond. Seconded by Andy Larson. Motion carried.

- iii. Approve Fiscal Year 2011 proviso language authorizing up to 6% of appropriation for contract technical assistance and non-salary administration expenses.

Motion by Brad Shogren to approve Fiscal Year 2011 proviso language authorizing up to 6% of appropriation for contract technical assistance and non-salary administration expenses. Seconded by Andy Larson. Motion carried.

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- c. Review cost-share encumbrance and cancellation policy recommendations (see Attachment G).

Motion by Ted Nighswonger to cancel Fiscal Year 2010 cost-share contracts on June 15, 2010 and reallocate these cancelled funds to the appropriate conservation districts on July 1, 2010, in addition to the Fiscal Year 2011 allocation. Seconded by Andy Larson. Motion carried.

Motion by Brad Shogren to extend the itemized and attached RWP and NPSPC Program Fiscal Years 2008 and 2009 cost-share contracts until June 1, 2011. (*This motion is in addition to the motion at the May 11, 2009 SCC meeting to encumber these contracts until June 30, 2010*). Seconded by John Wunder. Motion carried.

- d. Review Watershed Dam Construction Program (WDCP) contracts extension (see Attachment H) – Hakim Saadi.

Motion by Andy Larson to extend the WDCP contracts until June 1, 2011. Seconded by John Wunder. Motion carried.

- e. Review HorseThief Multi-Purpose Small Lakes Program (MPSLP) contract extension – Hakim Saadi.

Motion by Ted Nighswonger to extend the HorseThief Multi-Purpose Small Lakes Program (MPSLP) contract until June 1, 2011. Seconded by Brad Shogren. Motion carried.

- f. Review the Water Supply Restoration Program (WSRP) contracts extension (see attachment I) – Hakim Saadi.

Motion by Brad Shogren to extend the Water Supply Restoration Program (WRSP) contracts until June 1, 2011. Seconded by Ted Nighswonger. Motion carried.

- g. Discussion on speaker options for the SCC luncheon at the 2010 KACD Convention in Wichita.

10. REPORTS:

- a. Agency Reports:

- i. Natural Resource Conservation Service (see Attachment J) – Eric Banks.

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- ii.** Kansas State University – Dan Devlin reported on budget freeze for new hires except new Agriculture Dean, new K-Care Director and new Biological and Agriculture Engineering Director. A statewide tillage study is being conducted. A thorough stream assessment study has been completed by a WRAPS group in Saline and McPherson Counties. State Burn Plan.
- iii.** Kansas State University, Research & Extension – Phil Barnes reported on the City of Wichita Storm Water Ordinance.
- b.** Staff Reports – None.
- c.** Commissioner Reports – None.

11. ADJOURN:

The next regular Commission meeting is scheduled for May 10, 2010 in Topeka.

Motion by Andy Larson to adjourn. Seconded by John Wunder. Motion carried. Meeting adjourned at 2:25 p.m.



Greg A. Foley,
Executive Director

KACD Report to the State Conservation Commission

The State Envirothon Finals competition will be Wednesday May 12, 2010 at Southwestern College, Winfield, KS.

The KACD Board of Directors Meeting will be May 12, 2010 at 1:00 pm at Southwestern College, Winfield, KS.

June 13 – 15 KACD will host the NACD Northern Plains Leaders Regional Meeting at the Wichita Airport Hilton, Wichita, KS. The Northern Plains consist of Montana, North and South Dakota, Nebraska and Kansas.

The 2010 NACD Legislative Conference will be held July 17 – 21 in Washington, DC. Gene Albers and Ronald Brown are delegates to the conference. Jon Starns will attend as a board member of the NACD Board of Directors.

The joint KACD/SCC joint board meeting will be in Area III on August 2, held in Pratt, KS.

The Kansas State Fair in Hutchinson will be held September 10 – 19. September 16th the KACD Employees will hold their regular meeting at 8:00 a.m. at the Area III NRCS Office Headquarters and the KACD Board of Directors meeting will be held at the Pride of Kansas Building on the fair grounds at 10:00 a.m.

The dates for KACD Annual Convention will November 21 – 23 at the Wichita Airport Hilton.

Pat Lehman

STATE CONSERVATION COMMISSION - FY 2010 QUARTERLY FINANCIAL REPORT
JULY 1, 2009 THROUGH MARCH 31, 2010

	PROGRAM/FUND	INDEX	Appropriation/ Allocation	Total Expenditures	% of Funds Expended	Funds		% of Committed Funds	Uncommitted Balance
						Committed/ Encumbered			
1.	STATE GENERAL FUND - 1000								
*	a. Office operations	1010	744,934.86	573,219.25	76.9%	27,150.39	3.6%	144,565.22	
	b. Hospitality Fund	1014	1,500.00	942.67	62.8%	0.00	0.0%	557.33	
	TOTAL - STATE GENERAL FUND		746,434.86	574,161.92	76.9%	27,150.39	3.6%	145,122.55	
2.	STATE WATER PLAN FUND - 1800	1200							
*	a. Water Resources Cost-Share								
	(1) CSIMS Cost-Share Assistance		2,535,466.55	690,955.51	27.3%	1,804,918.52	71.2%	39,592.52	
	(2) Office Operations		0.00	0.00	0.0%	0.00	0.0%	0.00	
	(3) Reserve		0.00	0.00	0.0%	0.00	0.0%	0.00	
	WR - TOTAL		2,535,466.55	690,955.51	27.3%	1,804,918.52	71.2%	39,592.52	
*	b. Water Resources TA - TSP Employees	1205	10,338.38	10,338.38	100.0%	0.00	0.0%	0.00	
*	c. Non Point Source Pollution Control	1210							
	(1) CSIMS Cost-Share Assistance		1,979,024.41	855,069.77	43.2%	868,782.95	43.9%	255,171.69	
	(2) Office Operations		18,000.00	9,292.68	51.6%	4,000.00	0.0%	4,707.32	
	(3) NPS Technical Assistance (Conservation District)		455,762.65	438,609.37	96.2%	17,032.14	3.7%	121.14	
	(4) Reserve		0.00	0.00	0.0%	0.00	0.0%	0.00	
	NPS - TOTAL		2,452,787.06	1,302,971.82	53.1%	889,815.09	36.3%	260,000.15	
*	d. WTAP	1215							
	(1) WTAP Projects		11,968.30	0.00	0.0%	0.00	0.0%	11,968.30	
	(2) Office Operations		88,032.00	63,003.61	71.6%	3,246.71	3.7%	21,781.68	
	WTAP - TOTAL		100,000.30	63,003.61	63.0%	3,246.71	3.2%	33,749.98	
	e. Aid to Conservation Districts	1220	2,266,961.75	2,263,612.29	99.9%	3,292.71	0.1%	56.75	
	f. Conservation Reserve Enh Prog (CREP)	1225							
	(1) CSIMS Cost-Share Assistance		1,113,584.32	41,418.20	3.7%	69,092.00	6.2%	1,003,074.12	
	(2) Reserve		0.00	0.00	0.0%	0.00	0.0%	0.00	
	CREP - TOTAL		1,113,584.32	41,418.20	3.7%	69,092.00	6.2%	1,003,074.12	
*	g. Watershed Dam Construction	1240							
	(1) Watershed Dam Cost-Share Assistance		414,262.00	106,123.96	25.6%	307,013.97	74.1%	1,124.07	
	(2) Inundation Mapping (NOT FUNDED THIS FY)		0.00	0.00	0.0%	0.00	0.0%	0.00	
	(3) Rehabilitation		226,892.00	0.00	0.0%	226,892.00	0.0%	0.00	
	(4) Reserve		35,543.04	0.00	0.0%	0.00	0.0%	35,543.04	
	1240 - WATERSHED PROGRAM - SUB-TOTAL	1240	676,697.04	106,123.96	0.26	533,905.97	0.74	36,667.11	
	(5) Watershed Dam Cost-Share Assistance	1245	50,000.00	6,010.03	12.0%	43,989.97	88.0%	0.00	
	WATERSHED PROGRAM - TOTAL		726,697.04	112,133.99	15.4%	577,895.94	79.5%	36,667.11	
*	h. KS Water Quality Buffer Initiative-CSIMS Projects	1250	312,162.52	0.00	0.0%	268,683.66	86.1%	43,478.86	
*	i. KS Water Quality Buffer Initiative-Coordiators(TA)	1255	0.13	0.00	0.0%	0.00	0.0%	0.13	

*FY 2010 ADJUSTMENT

**STATE CONSERVATION COMMISSION - FY 2010 QUARTERLY FINANCIAL REPORT
JULY 1, 2009 THROUGH MARCH 31, 2010**

PROGRAM/FUND	INDEX	Appropriation/ Allocation	Total Expenditures	% of Funds Expended	Funds		% of Committed Funds	Uncommitted Balance
					Committed/ Encumbered			
* j. Riparian and Wetland Protection	1260							
(1) CSIMS-Demonstration Projects		80,000.00	11,592.00	14.5%	0.00	0.0%	68,408.00	
(2) TA		100,000.00	43,595.00	0.0%	56,405.00	0.0%	0.00	
(3) Office Operations		7,365.98	5,694.41	77.3%	0.00	0.0%	1,671.57	
(4) Reserve		0.00	0.00	0.0%	0.00	0.0%	0.00	
RW - TOTAL		187,365.98	60,881.41	32.5%	56,405.00	30.1%	70,079.57	
* k. Water Supply Restoration Program	1275	0.00	0.00	0.0%	0.00	0.0%	0.00	
TOTAL - STATE WATER PLAN FUND		\$9,705,364.03	\$4,545,315.21	46.8%	\$3,673,349.63	37.8%	\$1,486,699.19	

*FY 2010 ADJUSTMENT

CASH CONTROL FUNDS PROGRAM		INDEX	Fee Deposit Accounts	Total Expenditures	% of Funds Expended	Funds		% of Committed Funds	Cash Flow
						Committed/ Encumbered			
1.	LAND RECLAMATION FEE FUND - 2542								
	a. Office Operations	2100	219,230.05	115,392.28	52.6%	4,860.01	2.2%	98,977.76	
	b. American Express Credit Card Fund - 9453	9400	560.38	70.32	12.5%	0.00	0.0%	490.06	
	Fee fund only expenditures are transfers to LR and credit card monthly fees.								
2.	KDWP-Buffer Partnership - 2517	2510	150,000.00	121,341.07	80.9%	0.00	0.0%	28,658.93	
3.	KDHE/EPA - FEDERAL FUNDS - 3915		(ON THIS ACCOUNT-MONEY IS DEPOSITED AS REPORTS ARE SUBMITTED to KDHE)						
	a. Buffer Partnership (67600)	3730	245,076.85	147,358.26	60.1%	0.00	23.0%	97,718.59	
	b. NPS/WRAPS (67400)	3730	26,936.00	26,266.05	97.5%	0.00	23.0%	669.95	
	TOTAL- FEDERAL FUNDS - 3915		272,012.85	173,624.31	63.8%	0.00	0.0%	98,388.54	
4.	NRCS CONTRIBUTION AGREEMENTS - 3715		(ON THIS ACCOUNT-MONEY IS DEPOSITED AS REQUESTED FROM NRCS)						
	a. Contribution Agreement Employees, Salaries & Travel	3800	10,279.96	10,279.96	100.0%	0.00	0.0%	0.00	
	b. CD Operations and Indirect	3810	24,218.03	24,218.03	100.0%	0.00	0.0%	0.00	
	c. Water Quality Projects, Personnel and Indirect	3820	59,572.21	11,432.11	19.2%	0.00	0.0%	48,140.10	
	TOTAL- NRCS FUNDS - 3917		94,070.20	45,930.10	48.8%	0.00	0.0%	48,140.10	
	COOPERATIVE AGREEMENT COMPLETED								
5.	CONVERSION FUND - 2429	2000	1,965.75	0.00	0.0%	0.00	0.0%	1,965.75	
6.	PARKING DEDUCTION CLEARING FUND	9234	3,459.35	3,412.50	98.6%	0.00	0.0%	46.85	
7.	MOTOR VEHICLE FUND - 6118	6000	34,305.74	7,448.73	21.7%	0.00	0.0%	26,857.01	
TOTAL - CASH FLOW								\$303,525.00	

Scope Statement

Water-Related Agencies: Determining Whether the State Could Achieve Efficiencies and Reduce Costs by Combining the Operations of Its Water-Related Agencies

Several State agencies have primary roles in helping maintain the State's water resources. Those agencies include the Kansas Water Office, the Kansas Water Authority, the Department of Agriculture's Division of Water Resources, and the Kansas Conservation Commission. Other agencies, such as the Department of Wildlife and Parks and the Department of Health and Environment, have water-related responsibilities as well.

An audit we issued in 1994 looked at issues related to duplication of services of the Kansas Water Office and the Division of Water Resources. The audit found that while those agencies worked on some of the same programs, their activities overlapped in only a few areas and the agencies had developed agreements and processes that minimized the possibility of duplication of effort. Further, a 1996 audit reported that the Conservation Commission's programs could be transferred to another State agency, but there was no compelling reason to do so.

Over the years, legislative concerns have been raised about whether Kansas would benefit by combining and consolidating activities related to water management and regulation into a single agency. A performance audit of this topic would answer the following questions.

1. **Could Kansas achieve greater operating efficiencies and reduce costs by consolidating the duties and responsibilities pertaining to water regulation and management into a single agency?** To answer this question, we would identify the roles and responsibilities that various State agencies have pertaining to water regulation and management. We would look for areas where duplication or overlap of services might exist. We would look at how other states have structured their water management and regulatory functions. We would interview State officials and survey officials from other units of government, such as cities and groundwater management districts, to get their opinions about combining various parts of different State agencies into a single agency. Using this information, we would assess the pros and cons of creating a single water-management agency, and would identify the activities that should be brought into a new agency. We would also develop a prototype for how a new agency could be structured, and would estimate the overall savings the State might achieve through such an action.

Estimated time to complete: 18 to 22 weeks



2010 Spring Workshop Attendance

(2009 Attendance)

Area	Districts Absent	District Supervisors	District Mgr/Sec	Other Dist. Emp. / Other	NRCS		Area Totals
					DCs	Other	
I	Gove, Sheridan, Sherman	9 (14)	15 (16)	0 / 1 (0 / 1)	4 (1)	3 (1)	32 (33)
II	Morton	17 (21)	23 (20)	1 / 2 (2 / 2)	10 (0)	2 (1)	55 (46)
III	Sedgwick, Sumner	16 (14)	18 (18)	3 / 2 (6 / 1)	6 (0)	4 (1)	49 (40)
IV	Atchison, Brown, Johnson	18 (24)	16 (20)	7 / 2 (6 / 3)	2 (0)	1 (1)	46 (54)
V	Montgomery, Neosho	11 (12)	15 (17)	1 / 1 (2 / 1)	2 (4)	1 (2)	31 (38)
Totals (2009)	11 (8)	71 (85)	87 (91)	12/ 8 (16/8)	24 (5)	11 (6)	213 (211)

NOTE: Totals include presenters, but not SCC staff.

Prior Years Attendance:	<u>District Supervisors</u>	<u>Totals</u>	<u>Dates</u>
1998	118	289	March 17-19, 24-25
1999	137	326	March 16-18, 24-25
2000	138	337	March 8-9, 14-16
2001	135	338	March 6-8, 14-15
2002	201	470	March 12-14, 20-21
2003	137	344	March 4-6, 11-12
2004	119	308	March 2-4, 9-10
2005	92	243	March 1-3, 9-10
2006	74	234	March 7-9, 14-15
2007	80	246	March 4-6, 11-12
2008	91	258	March 4-6, 11-12
2009	85	211	March 3-5, 10-11

2010 SCC Spring Workshop Comments

Area I

- Great Spring Workshop. Informative, but short. Glad I came.

Area II

- I like the Share Session.
- Think ½ (day) meeting very informative & works well.
- Meeting was informative and I appreciate the timeframe. The meeting ran over a little, but worked great. Thank you all for everything each of you do.

Area III

- (Thank-You Card): SCC Staff- Great Spring Workshop with lots of good information. Just wanted to take a moment to thank all of you for the hard work put into your assignments. We appreciate your efforts and commitment to locally led conservation. Thanks! The Staff and Board of Supervisors, Barber County Conservation District.

CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

"The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 1-01), which is attached hereto, are hereby incorporated in this contract and made a part thereof."

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the _____ day of _____, 20_____

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated.
2. **Agreement With Kansas Law:** All contractual agreements shall be subject to, governed by, and construed according to the laws of the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least 30 days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to 90 days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer Of Liability:** Neither the State of Kansas nor any agency thereof shall hold harmless or indemnify any contractor beyond that liability incurred under the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.).
5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et seq.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) (ADA) and to not discriminate against any person because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) if it is determined that the contractor has violated applicable provisions of ADA, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

Parties to this contract understand that the provisions of this paragraph number 5 (with the exception of those provisions relating to the ADA) are not applicable to a contractor who employs fewer than four employees during the term of such contract or whose contracts with the contracting state agency cumulatively total \$5,000 or less during the fiscal year of such agency.

6. **Acceptance Of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation shall be allowed to find the State or any agency thereof has agreed to binding arbitration, or the payment of damages or penalties upon the occurrence of a contingency. Further, the State of Kansas shall not agree to pay attorney fees and late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect which attempts to exclude, modify, disclaim or otherwise attempt to limit implied warranties of merchantability and fitness for a particular purpose.
8. **Representative's Authority To Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility For Taxes:** The State of Kansas shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas shall not be required to purchase, any insurance against loss or damage to any personal property to which this contract relates, nor shall this contract require the State to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.), the vendor or lessor shall bear the risk of any loss or damage to any personal property in which vendor or lessor holds title.
11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101 et seq.
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."



**State Conservation Commission Meeting
April 12, 2010**

Program Policy changes for Discussion

NPS and WRCSP

- **Should cost-share assistance be provided for the one time reseeded of a failed cover crop under the following seeding practices:**
 - Pasture and Hayland Planting
 - Range Planting
 - Critical Area Planting

Issue: The cover crop has to be established at a certain level before the seeding of the grass can take place. EQIP allows for two seedings of the cover crop, if needed, and if funds are available. It would be a conservation district board decision whether to offer.

NPS

- **Should Diversion Code 362 be added to the Sediment Control project type?**

Issue: The Sediment Control project type in the NPS program addresses headcuts coming from the stream into a field. The two practices available at this time are Grade Stabilization Structure Code 410 and Water and Sediment Control Basin Code 638. NRCS staff in some counties have indicated that in some cases, a diversion would be needed.

NPS & RWPP

- **Should Streambank Protection Repair Code 580R be developed for fiscal year 2008 and beyond?**

Issue: Some Streambank Protection projects require some repairs or additional shaping and rock due to high flow events after installation. Adding this practice would allow for tracking of repairs and also allow for using an existing contract for the repair if funds are available.

Attachment #1

4/7/2010

FY 2008 NPS Contracts to extend until June 1, 2011

Encumbered Contracts List

Fiscal Year	County	Contract Number	Project Type	Amount Requested
2008	Clay	NPS-2008-21	LWM	\$5,922.00
2008	Clay	NPS-2008-29A1	LWM	\$7,987.00
2008	Clay	NPS-2008-34	LWM	\$12,826.00
2008	Dickinson	NPS-2008-12A2	LWM	\$20,000.00
2008	Morris	NPS-2008-31	LWM	\$20,000.00
2008	Norton	NPS-2008-13	LWM	\$8,140.00
2008	Norton	NPS-2008-14	LWM	\$6,878.00
2008	Phillips	NPS-2008-18	LWM	\$12,845.90
2008	Rooks	NPS-2008-4	LWM	\$2,814.00
2008	Atchison	NPS-2008-5A1	RAP	\$22,500.00
2008	Chase	NPS-2008-2A4	RAP	\$5,706.19
2008	Ellsworth	NPS-2008-17	RAP	\$5,625.00
2008	Ellsworth	NPS-2008-18	RAP	\$14,520.00
2008	Ellsworth	NPS-2008-19	RAP	\$18,000.00
2008	Jackson	NPS-2008-10A2	RAP	\$17,802.02
2008	Marion	NPS-2008-21A2	RAP	\$13,132.64
2008	Marion	NPS-2008-22A3	RAP	\$10,446.07
2008	Marshall	NPS-2008-13	RAP	\$16,423.60
2008	Marshall	NPS-2008-14A3	RAP	\$2,964.80
2008	Marshall	NPS-2008-15A1	RAP	\$25,515.00
2008	Marshall	NPS-2008-16A2	RAP	\$51,129.57
2008	Marshall	NPS-2008-17A2	RAP	\$46,318.68
2008	Marshall	NPS-2008-29A3	RAP	\$14,164.90
2008	Osage	NPS-2008-12	RAP	\$4,220.00
2008	Washington	NPS-2008-39A3	RAP	\$6,761.01
			TOTAL	\$372,642.38

4/7/2010

FY 2008 RW Contracts to extend until June 1, 2011

Encumbered Contracts List

Fiscal Year	County	Contract Number	Project Type	Amount Requested
2008	Jefferson	RW-2008-1	SS	\$45,069.60
2008	Jefferson	RW-2008-2	SS	\$18,627.34
2008	Osage	RW-2008-1	SS	\$11,207.05
2008	Saline	RW-2008-1	SS	\$20,369.89
2008	Saline	RW-2008-2	SS	\$18,747.39
			TOTAL	\$129,442.51

over

Attachment #1

4/7/2010

FY 2009 NPS Contracts to extend until June 1, 2011

Encumbered Contracts List

Fiscal Year	County	Contract Number	Project Type	Amount Requested
2009	Brown	NPS-2009-15A3	LWM	\$8,500.00
2009	Butler	NPS-2009-9A1	LWM	\$8,301.16
2009	Decatur	NPS-2009-8	LWM	\$6,805.32
2009	Decatur	NPS-2009-9	LWM	\$10,621.40
2009	Dickinson	NPS-2009-18A1	LWM	\$10,377.80
2009	Dickinson	NPS-2009-22A1	LWM	\$7,586.20
2009	Doniphan	NPS-2009-18	LWM	\$4,469.60
2009	Douglas	NPS-2009-27	LWM	\$5,920.00
2009	Douglas	NPS-2009-28	LWM	\$5,124.20
2009	Kingman	NPS-2009-7A3	LWM	\$10,000.00
2009	Nemaha	NPS-2009-32	LWM	\$3,339.00
2009	Phillips	NPS-2009-23	LWM	\$20,000.00
2009	Pottawatomie	NPS-2009-13	LWM	\$5,839.40
2009	Thomas	NPS-2009-7	LWM	\$2,357.31
2009	Wallace	NPS-2009-10	LWM	\$7,033.32
2009	Jackson	NPS-2009-23	PRM	\$10,000.00
2009	Pottawatomie	NPS-2009-25	PRM	\$3,944.83
2009	Pottawatomie	NPS-2009-27	PRM	\$4,731.98
2009	Pottawatomie	NPS-2009-29	PRM	\$2,475.50
2009	Chase	NPS-2009-12	RAP	\$53,100.00
2009	Graham	NPS-2009-14	RAP	\$18,000.00
2009	Jackson	NPS-2009-22	RAP	\$10,000.00
2009	Marion	NPS-2009-19	RAP	\$21,748.50
2009	Nemaha	NPS-2009-37	RAP	\$45,000.00
2009	Norton	NPS-2009-14	RAP	\$7,242.20
2009	Pottawatomie	NPS-2009-24	RAP	\$4,294.83
2009	Riley	NPS-2009-30	RAP	\$45,000.00
2009	Washington	NPS-2009-41	RAP	\$12,747.00
			TOTAL	\$354,559.55

Watershed Dam Construction Program

A. Construction

FY	District	Site	Approved	Paid	Balance	PR
2010	Delaware WJD 10	D-49	\$120,000	\$0	\$120,000	0%
	Deer Cr WJD 55 (Supp)	128	\$29,142	\$0	\$29,142	0%
	Horseshoe Cr WJD 110	29	\$64,000	\$0	\$64,000	0%
	Marmaton WJD 102	K-7	\$55,120	\$9,367	\$45,753	17%
	Mill Cr WD 98	I-4	\$120,000	\$32,366	\$87,634	27%
	Rock Cr WD 45	67A	\$76,000	\$71,525	\$4,475	94%
	Sub-Total					\$351,004
2009	Deer Cr WJD 55	128	\$69,178	\$0	\$69,178	0%
	Diamond Cr WJD 61	109	\$88,600	\$61,374	\$27,226	69%
	Mill Cr WJD 85	48	\$120,000	\$114,000	\$6,000	95%
	Sub-Total					\$102,404
2008	Delaware WJD 10	A-25	\$54,600	\$51,870	\$2,730	95%
	Ulittle Ark WJD 95	2	\$120,000	\$114,000	\$6,000	95%
	Otter Cr WJD 83	7	\$114,000	\$108,300	\$5,700	95%
	Sub-Total					\$14,430
Grand Total [11 contracts]					\$ 467,838	

B. Rehabilitation

FY	District	Site	Approved	Paid	Balance	PR
2010	Delaware WJD 10	E-21B	\$120,000	\$0	\$120,000	0%
	Nemaha-Brown WJD 7	31-23	\$31,012	\$0	\$31,012	0%
	Wet Walnut WJD 58	108	\$63,520	\$0	\$63,520	0%
	Wet Walnut WJD 58	128	\$12,360	\$0	\$12,360	0%
	Sub-Total					\$226,892
2009	Labette-Hackberry WJD 96	1 Site	\$20,000	\$16,516	\$3,484	83%
	LWalnut-Hickory WJD 18	3 Sites	\$56,947	\$0	\$56,947	0%
	Pottawatomie Cr WJD 90	2 Sites	\$120,000	\$0	\$120,000	0%
	Sub-Total					\$180,431
2008	Delaware WJD 10	2 Sites	\$41,600	\$0	\$41,600	0%
	Sub-Total					\$41,600
2007	Delaware WJD 10	1 Site	\$68,000	\$46,036	\$21,964	68%
	Sand Cr WJD 68	1 Site	\$43,200	\$41,040	\$2,160	95%
	Spring Cr WJD 16	1 Site	\$88,720	\$0	\$88,720	0%
	Switzler Cr WD 63	1 Site	\$98,000	\$0	\$98,000	0%
	Sub-Total					\$210,844
Grand Total [12 contracts]					\$ 659,767	

C. Inundation Mapping

FY	District	Site	Approved	Paid	Balance	PR
2009	Delaware WJD 10	16 Sites	\$56,000	\$46,553	\$9,447	83%
Grand Total [1contract]					\$9,447	

Water Supply Restoration Program

FY	Sponsor	Site	Approved	Paid	Balance
08-09	City of Horton	Mission Lake	2,600,000	1,139,139	1,460,861
09	WS CO RWD No. 1	Water Supply	882,069	93,000	789,069
Grand Total [2 contracts]					\$ 2,249,930

Funding

FY	Mission Lake	WS CO RWD No.1	Augusta Lake
2008	\$2,483,603		\$0
2009	\$116,397	\$882,069	\$0
2010	\$0	\$0	\$0
2011	\$0	\$0	\$283,000

Total =	\$2,600,000	\$882,069
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Augusta City Lake [Assuming FY = \$656,298]

Initial Contract for \$283,000

Hold \$373,298 Until April 1, 2011



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

Phone: 785-823-4500
FAX: 785-823-4540
www.ks.nrcs.usda.gov

NRCS HIGHLIGHTS OF ACTIVITIES for the STATE CONSERVATION COMMISSION MEETING

TOPEKA, KANSAS APRIL 12, 2010

PERSONNEL

New Hire: Myra N. Richardson, Soil Conservationist, Marysville
Vicky M. Wilkinson, Office Assistant, Emporia

Reassignments: Kristen S. Cuevas, District Conservationist, Winfield
to District Conservationist, Garnett
Joni Y. Franklin, Natural Resource Manager, Salina
from Paulding Ohio
Dennis J. Brinkman, Supervisory District Conservationist, Topeka
to Supervisory District Conservationist, Lyndon
Joe D. Buford, Soil Conservationist, Mound City
to District Conservationist, Stockton
Dustin H. Tacha, Soil Conservationist, Hugoton
to Range Management Specialist, Winfield
Crystal R. Biddle, Agricultural Engineer, Hutchinson
from Hanford, California
Benjamin T. Letourneau, District Conservationist, Beloit
from Colfax, Washington

Retirements: Karen F. Churchman, Secretary, Salina
Warren L. Wilson, Engineering Technician (Civil), Manhattan
Terry M. Conway, State Resource Conservationist, Salina
Mike L. Muller, Soil Conservation Technician, Ness City

OPERATIONS

The Cooperative Agreement with Pheasants Forever (PF) has been completed and signed. Three PF biologists started to work April 5. They are located in Medicine Lodge, Beloit, and Seneca. NRCS and the State Conservation Commission (SCC) staff have now visited all of the offices that will be getting either a PF biologist or a soil conservation technician (SCTs). Work is progressing to finalize the SCC Cooperative Agreement for 10 SCTs to begin work in the management units July 1, 2010. NRCS and SCC will be visiting those management units that

are not getting additional staff over the next several months to discuss workload, staffing, and possible additions of staff through the cooperative agreements.

PROGRAMS

Agricultural Water Enhancement Program (AWEP)

The Federal Register notice of request for proposals was issued on Friday, April 2, 2010.

American Recovery and Reinvestment Act (ARRA) Stimulus Package

Kansas NRCS continues to work on completion of watershed projects funded under the ARRA. We have four watershed projects that received funding:

- Lyons Creek Site 15 – (New Construction) Morris County
- Switzler Creek Site 7 – (Rehabilitation) Osage County
- Big Caney Site 18 – (Remedial) Cowley County
- Wet Walnut Site 53 – (Remedial) Ness County

Malm Construction was awarded the contract on Lyons Creek and construction started on March 9. Construction is anticipated to be completed on this site by September 30, 2010.

Permits have been requested for Switzler and the final design is on schedule to be completed by the end of April. Construction funds are expected to be obligated in FY 2010 with final completion expected in FY 2011.

The contract for remedial repair Wet Walnut Site 53 is expected to be awarded the week of April 5 with construction expected to begin shortly thereafter.

TP Environmental and Pipeline Services have been awarded the contract on the Big Caney Site 18 remedial repair project with construction scheduled to begin May 1.

The three Kansas ARRA enrollments in the Emergency Watershed Protection – Floodplain Easements (EWPP-FPE) program have been acquired. These permanent easements have been recorded at the respective courthouse. The acres and county location of the three approved sites are:

- Doniphan County – 564 acres
- Labette County – 48 acres
- Rice County – 223 acres

EWPP-FPE easement restoration has started on two of the three easements with all required restoration to be completed by December 31, 2010.

Conservation Security Program (CSP)

The audit review for the 2002 CSP contracts has been completed. Equitable relief requests are currently being processed.

Conservation Stewardship Program (CSP)

All approved applications have been obligated for Kansas. In this initial signup for CSP (Stewardship), Kansas funded 457 contracts for \$7,453,148 in financial assistance.

Environmental Quality Incentives Program (EQIP)

As of April 5, 2010, 637 EQIP applications had been obligated for \$15.3 million. Obligations are to be completed by May 1, 2009. Funds set aside for a state Cooperative Conservation Partnership Initiative (CCPI), were released in mid March for use under regular EQIP. This allowed Kansas an additional \$1.6 million for funding EQIP applications. There is a backlog of almost 1,400 applications for over \$36 million.

The 2010 Organic Initiative, a nationwide special initiative to provide financial assistance to National Organic Program (NOP) certified organic producers as well as producers in the process of transitioning to organic production, had an application evaluation period cutoff date of March 12, 2010. We are in the process of making approvals for this Initiative.

Farm and Ranch Lands Protection Program (FRPP)

Work continues for closing on three Fiscal Year (FY) 2008 conservation easement parcels and one FY 2009 parcel. Two new cooperative agreements have been approved for FY 2010 for acquisition of two new parcels on a total of 5,561 acres.

Grassland Reserve Program (GRP)

The GRP allows for applications to be accepted continuously throughout the year. There have been 120 applications so far this fiscal year. Four applications for permanent easements covering over 4,500 acres have been tentatively approved for funding with the \$1.67 million allocation received to date. Additional funds have been requested for acquisition of one additional permanent easement on an additional 3,412 acres.

Resource Conservation and Development (RC&D)

The State Association of Kansas RC&D Councils will be hosting the Southwest States RC&D Regional Conference in Dodge City on March 13-16, 2011. RC&D council members, staff, and NRCS RC&D coordinators and program managers from Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas, will meet in Dodge City for several days of RC&D training and a "taste of the Old West."

Watershed Operations

The State Association of Kansas Watersheds and the National Watershed Coalition in cooperation with NRCS will be holding a nationally sponsored Operation and Maintenance (O&M) training workshop on July 27-28, in Jackson County, Kansas. This training session is targeted to watershed dam sponsors and state and federal agency staff who have watershed dam O&M responsibilities. The first day will be classroom training relating to O&M policy and procedure, legal issues, and sponsor responsibilities. The second day will consist of completing an O&M inspection checklist in the field on a watershed dam and demonstrations and exhibits featuring tools to assist sponsors with O&M responsibilities.

Wetlands Reserve Program (WRP)

Thirty-five applications have been received since the beginning of FY 2010 offering 4,559 acres for enrollment into WRP. Easements have been recorded on seven WRP enrollments since the beginning of FY 2010 on approximately 1,100 acres. Seven offers have been made for new enrollments for FY 2010 on just over 2,000 acres. All but one offer have been accepted by landowners. Offers are made to landowners based on the current approved WRP 2010 Geographic Area Rate Cap for counties. These rates may be found at the Kansas NRCS Web site under the Programs tab Wetlands Reserve Program.

Wildlife Habitat Incentives Program (WHIP)

Kansas' FY 2010 WHIP financial assistance allocation was \$317,179. As of April 5, 2010, Kansas has contract approvals in the amount of \$303,817 and 37 obligated contracts for \$276,433. There is currently a backlog of 80 eligible applications totaling \$551,000.

TECHNOLOGY

Customer Service Toolkit training was provided to NRCS and district employees Feb. 2-4, 2010. The training was a beginner session and was open to all NRCS partner agencies. In attendance were eight district employees, two Kansas Forest Service employees, and six NRCS employees. The three day training covered the use of Customer Service Toolkit for developing conservation plans and the use of ArcMap for additional GIS functionality.

We are managing our agreement with the State Conservation Commission (SCC) and their contractors, The Watershed Institute (TWI) and Wildhorse Riverworks, Inc., to get streambank projects designed and built. Designs have been completed for one more of the 2008 projects. Construction has been completed on two projects with nine additional projects in various states of construction. High water in the rivers continues to delay the surveys of several projects. Those surveys should be completed this spring, and designs should be completed by summer.

The design of another group of 15 2008/2009 EQIP streambank protection projects had been sent out for bid by the SCC, and work on those projects should begin late spring or early summer.

We have once again contracted with an architect and engineer (A&E) firm to provide design and construction assistance for conservation practices. EA Engineering, Science, & Technology, Inc. of Lincoln, Nebraska, will soon be issued their first task order for the design of an animal waste management system.

OTHER

National Resources Inventory (NRI)

This summer we will again be collecting data for the Grazing Lands On-Site Study. This is the eighth year of this data collection. We will be using five teams of data collectors to collect data on 95 sites. Each site contains two points which will be intensely inventoried to determine species composition, range condition and health, and much more. This year the sites are located in 29 counties that lie across the northern one third of the state. Data from the previous years of this data collection is slated to be released this year. The preliminary results which have been shown to us via maps show some very interesting results. So look forward to viewing this data when it is released.

This summer all of our field offices will be involved in collecting data on 1,967 sites. This data collection is called the "Local Data Collection" which is the primary data collection work horse for the NRI. Field offices will be using the World-Wide-Web to enter data for three points in each site. This portion of data collection focuses primarily on cropland activities, erosion, and conservation program participation. A major data release for the NRI is also in the works this year. Look forward to seeing and hearing about this data release.

Outreach Activities

- **75th NRCS Anniversary** is April 27, 2010. A committee is developing ways to celebrate this historic occasion. The committee consists of NRCS Mary Shaffer, Sheila Forrester, Dwayne Kersenbrock, Toni Flax, and Lyons County Conservation District Manager Debbe Schopper.
- The Kansas Governor signed a proclamation declaring April 27, as Conservation Day.
- The National Office is providing support and we are putting together some ideas to use in Kansas.
- The Kansas NRCS Web site will have information about the anniversary and we are looking at this as a year-long celebration.
- **The Wichita Eagle ran an article, April 7, 2010, about the Dust Bowl and included information about SCS being approved by Congress on April 27, 1935. Becci Tanner, the reporter, received over 250 responses about living through those times from people around the state. Web site for http://www.kansas.com/2010/04/06/1256784/dust-bowl-spread-misery-advanced.html#storylink=omni_popular**
- The **Earth Team is celebrating its 25th Anniversary** on April 25, 2010. Kansas received two national awards related to the Earth Team: the Chief's Cup for its volunteer efforts in 2010 and posthumously Individual Award to Larry Fieser, El Dorado Field Office, posthumously. For more information about the Earth Team awards across the state go to the NRCS Web site.
- A news release was sent to field offices and media about Funding Available to Historically Underserved.
- A news release about proposals for the AWEP has been provided to field offices, partners, and media.
- A news release to media, field office, and others about the 75th anniversary.
- Kansas NRCS produced and developed a diversity video that debuted in March at the National Diversity Conference, in Kansas City. Many NRCS employees are featured in the video, and it was well received at the conference. We are working to post it on a Web site for others to see. Women Managing the Farm local meetings.
- Saline County is hosting a Women in Agriculture meeting, April 29, at Assaria, Kansas. It is an evening meeting with a speaker, Ag Experts Panel, and Ag Network Groups. Partners include local NRCS, Conservation District, Farm Service Agency, Central Kansas Extension Service, Farm AgCredit, and Farm Bureau. The State NRCS, Risk Management Agency, and Farm Service Agency (FSA) are also participating.
- Around the state Women in Ag type local meetings have been held at Beloit, Ellsworth, Northwest Kansas Conservation and Environmental Alliance, Goodland; Osborne, Altamont; Sharon Springs; Fredonia; Burlington; Lincoln. Producer Information Night, Bass Pro Shop in Bonner Springs. Most of these meetings will include some men.
- The State Outreach Committee which includes FSA, Risk Management, Rural Development, and NRCS have met and are trying to determine some projects to work with minorities. The committee is checking into the Nicodemus Homecoming and it is looking for an event where information could be delivered to Hispanics.