

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 1:00 p.m., Sunday, November 19, 2023, at the Hyatt Regency, 400 W Waterman St, Wichita, KS 67202.

2. **ATTENDANCE:**

Elected Commissioners:

Ted Nighswonger, Area I Commissioner
Jed Fleske, Area II Commissioner
John Wunder, Area IV Commissioner
Rod Vorhees, Area V Commissioner

Ex-Officio & Appointed Members:

Kris Ethridge, Acting State Conservationist, Natural Resources Conservation Service (arrived at 1:30)
Terry Medley, P.E., Water Structures Program Manager, Division of Water Resources, Kansas
Department of Agriculture
Peter Tomlinson, Ph.D., Associate Professor, Extension Specialist for Environmental Quality
Agronomy Department, Kansas State University

Division of Conservation, Kansas Department of Agriculture Staff:

Steve Frost, Acting Director
Dave Jones, Water Quality Program Manager
Kristin Kloft, Riparian & Wetland Program Manager
Cathy Thompson, Program Consultant
Marsha Setzkorn-Meyer, Conservation District Program Coordinator (left at 2:00, returned at 3:05)
Monica Wichman, Grants Coordinator
Christy Koelzer, Administrative Specialist

Guests:

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Mike Beam, Kansas Secretary of Agriculture

Olivia Bergmeier, Executive Director, State Association of Kansas Watersheds (SAKW) (left at 2:12 p.m.)

Ryan Armbrust, Rural Forestry Program Coordinator, KFS

Cheli Helm, Jefferson County District Manager

Stephani Royer, Rush County District Manager, Area II KACD-EO Representative

David Doctorian, NRCS State Conservationist, effective December 17, 2023 (arrived at 1:30)

3. APPROVAL OF AGENDA:

A motion was made by Ted Nighswonger to approve the agenda as emailed. The motion was seconded by Jed Fleske. Motion carried.

4. MINUTES OF THE PREVIOUS MEETING:

A motion was made by Jed Fleske to approve the August 16, 2023 minutes as emailed. The motion was seconded by Ted Nighswonger. Motion carried.

5. UNFINISHED BUSINESS:

a. Irrigation Technology Initiative Update – Jones

- i. Dave Jones informed the commissioners 110 Irrigation Technology Initiative applications were approved for \$602,337.29 (Attachment A).

b. WR and NPS Cancellation Update – Jones

- ii. Dave Jones informed the commissioners districts were allowed to request funding for underfunded contracts and reviewed the underfunded contract approvals as well as the funding balances in the Water Resources and Non-Point Source programs after the November 1 cancellation (Attachment B). It was discussed whether to use remaining unallocated Water Resources funds for WR DNA or Irrigation Technology Initiative unmet need.

A motion was made by John Wunder to re-allocate the cancelled WR and NPS funds for pool funding. The motion was seconded by Ted Nighswonger. Motion carried.

6. NEW BUSINESS:

a. NACD Annual Meeting in San Diego, CA, February 10-14, 2024 – Frost

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i. Steve Frost informed the commissioners the NACD Annual Meeting is February 10-14, 2024 in San Diego, CA. Sam Sanders is planning to attend.

b. Watershed Dam Construction Program Cost-Share Application Review – Frost

i. Steve Frost informed the commissioners the Watershed Dam Construction & Rehabilitation Program has received \$711,933.21 in applications, utilizing all \$650,000 available (Attachment C) and provided a map of the watershed districts (Attachment D).

A motion was made by John Wunder to approve the proposed funding of watershed dam new construction and dam rehabilitation as presented. The motion was seconded by Peter Tomlinson. Motion carried.

c. DOC Updates – Frost

i. Steve Frost reviewed the Acting Director's Report (Attachment E).

d. SCC Commissioner KACD Convention roles and responsibilities – Setzkorn-Meyer

i. Marsha Setzkorn-Meyer reviewed the commissioners' roles and responsibilities at the SCC Luncheon.

e. Upcoming SCC Meeting Dates

i. The 2024 SCC meeting dates will be 1/29/24, 3/18/24 5/14/24, 8/14/24, 9/13/24 (joint meeting), and 11/24/24.

A motion was made by Peter Tomlinson to set the 2024 SCC meeting dates as 1/29/24, 3/18/24, 5/14/24, 8/14/24, 9/13/24 (joint meeting), and 11/24/24. The motion was seconded by John Wunder. Motion carried.

Break 2:12 p.m. to 2:40 p.m.

A motion was made by John Wunder to enter executive session with Secretary Beam from 2:40 p.m. to 3:00 p.m. to discuss personnel matters. The motion was seconded by Jed Fleske. Motion carried. Executive session adjourned at 3:00 p.m. No action was taken in the executive session.

The meeting reconvened at 3:05 p.m.

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7. UPDATES:

a. Comments from Guests:

- i. Secretary Mike Beam (KDA) informed the commissioners KDA is taking applications for the Conservation Executive Director position. He will be sending the wildfire task force report to Governor Kelly.
- ii. Ryan Armbrust (KFS) informed the commissioners KFS is focused on delivering technical assistance on forestry projects across the state and is working on a grant to assist private work force development to build the contractor base to support the projects and close the loop on planning and implementation. KFS appreciates the support from DOC for the Water Quality Forester position. A grant application was submitted for \$300,000 for streambank and riparian projects. KFS will launch a five-year initiative to serve under-served landowners. A specialist will be hired for this initiative.
- iii. Stephanie Royer (Rush County) informed the commissioners technical assistance is very important and the need is great. Building the partnership should be a priority. Training is important as there are many DC's and SDC's that don't have the technical training they need. The EO can assist counties by providing positive talking points for managers speaking to their county commissions, especially those that don't receive their full match.

b. Agency Updates:

- i. Kris Ethridge (USDA, NRCS) informed the commissioners IRS funds are a top priority. NRCS is hiring staff and looking at creative ways to provide technical assistance through partnerships. Currently, 35% of employees have less than three years of experience. NRCS hopes to utilize agreements to implement a training plan for new employees. RCPP will streamline the use of funds and speed the process for implementing new technologies with the use of Act Now which provides an idea of how much funding there will be, allowing applications to be ranked and funded if funding is available. David Doctorian will begin his role as State Conservationist on December 17.
- ii. David Doctorian (USDA, NRCS) reiterated the importance of the IRA funding. Training, staffing, and partnerships will be used to deliver on that priority.
- iii. Terry Medley (KDA, DWR) provided a written report (Attachment F). DWR continues to have staffing issues with positions vacant for over a year with no applicants.

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- iv. Peter Tomlinson (KSU Research & Extension) informed the commissioners the K-State Crops Judging team won the national championship title for the 32nd time in 100 years. The Agronomy Department has been approved to hire an extension specialist focused on precision agriculture and a crop genetics position. Construction on the new ag innovation center will start mid-2024 with the College of Agriculture construction projects right behind that, including the linkage of Weber and Call Hall. All Dean positions are currently filled.
- c. DOC Staff Updates:
 - i. Dave Jones informed the commissioners he is going to meet with Justin Kneisel and Monty Breneman in December to discuss coordinating the timing of program sign-ups.
 - ii. Kristin Kloft informed the commissioners there are four Delaware sites to build and she will visit Cottonwood sites next week.
 - iii. Marsha Setzkorn-Meyer provided a written update (Attachment G).
 - iv. Cathy Thompson informed the commissioners she attended NASCA in October.
 - d. Elected Commissioner Area Updates:
 - i. Ted Nighswonger (Area 1) informed the commissioners his district had to let their manager go. He suggested further guidance from DOC or KACD on handling such matters would be helpful. Discussion included the supervisor training modules, the transition checklist for exiting and onboarding managers, the Financial Management Checklist, EO representatives as a resource for help, the Employee Handbook (contains example letters of disciplinary action), and DOC advising new managers to review the supervisor training modules at board meetings, keeping the board aware of what they are doing, and presenting the DOC District Update as correspondence. District Managers should receive an annual review each year. Graham County is holding interviews for the vacancy next week.
 - ii. Jed Fleske (Area II) informed the commissioners it has been dry in his area. Lots of terraces and waterways have been put in. They've had several field days with good response. He is glad to see funding for irrigation technology.
 - iii. John Wunder (Area IV) informed the commissioners it has been dry in his area and he has seen several pond cleanouts. John asked Secretary Beam about having a revolving emergency fund for natural disasters. Secretary Beam responded that there is discussion of funding overseen by the state finance council with further discussion planned for the next legislative session.

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iv. Rod Vorhees (Area V) informed the commissioners he looks forward to the luncheon.

8. ADJOURNMENT:

The next SCC meeting will be held January 29, 2024.

A motion was made by Ted Nighswonger to adjourn the meeting. The motion was seconded by Peter Tomlinson. Motion carried.

The meeting was adjourned at 3:56 p.m.

A handwritten signature in black ink, appearing to read "Steve Frost". The signature is fluid and cursive, with a prominent initial "S" and a long, sweeping underline.

Steve Frost
Acting Director

FY 2024 Kansas Irrigation Technology Initiative Summary

Applications accepted November 1, 2023, thru November 9, 2023

<u>Applications Received</u>	<u>Funds Requested</u>
210	\$1,148,813.30

Round 1 Approvals by County:

<u>County</u>	<u>GMD</u>	<u>Approved Applications</u>	<u>Approved Amount</u>
Barton	GMD 5	3	\$2,304.00
Edwards	GMD 5	1	\$5,000.00
Finney	GMD 3	5	\$41,000.00
Graham	GMD 4	3	\$9,560.84
Gray	GMD 3	2	\$10,000.00
Lane	GMD 1	1	\$5,000.00
Meade	GMD 3	6	\$55,000.00
Pratt	GMD 5	3	\$7,132.50
Reno	GMD 2	1	\$2,000.00
Scott	GMD 1	8	\$68,791.26
Sedgwick	GMD 2	1	\$2,531.00
Sheridan	GMD 4	38	\$169,739.52
Sherman	GMD 4	2	\$10,197.83
Stafford	GMD 5	13	\$99,305.57
Thomas	GMD 4	22	\$108,448.72
Wallace	GMD 1	1	\$6,326.05
Totals:		110	\$602,337.29

Round 1 Approvals by GMD:

<u>GMD</u>	<u>Approved Applications</u>	<u>Approved Amount</u>
1	10	\$80,117.31
2	2	\$4,531.00
3	13	\$106,000.00
4	65	\$297,946.91
5	20	\$113,742.07

Unfunded Applications:

<u>Unfunded Applications</u>	<u>Amount Requested</u>
91	\$546,476.01

FY 2024 Underfunded Contract Funding Request Approvals

<u>County</u>	<u>Project Type</u>	<u>WR Funds Approved</u>
Logan	ESC	\$5,567.22
Rush	ESC	\$4,739.89
Wallace	PRM	\$9,463.87
Atchison	ESC	\$3,024.64
Neosho	ESC	\$4,216.64
Franklin	ESC	\$5,825.15
Trego	ESC	\$2,775.20
Franklin	ESC	\$1,678.21
Wabaunsee	ESC	\$1,819.89
Osage	ESC	\$1,434.67
Harper	PRM	\$2,662.13
Wilson	Soil Health	\$7,209.94
Bourbon	PRM	\$201.06
Washington	Soil Health	\$672.22
Labette	PRM	\$346.63
Cloud	Soil Health	\$1,425.30
Rawlins	PRM	\$8,851.92
Harper	ESC	\$1,325.00
Anderson	ESC	\$3,221.95
Linn	PRM	\$855.40
Douglas	ESC	\$8,771.12
Crawford	ESC	\$659.85
Decatur	PRM	\$1,692.45
Sumner	PRM	\$765.97
Saline	ESC	\$3,097.30
Cowley	PRM	\$5,842.04
Butler	Soil Health	\$4,907.34
Lyon	ESC	\$2,204.01
Jefferson	ESC	\$1,774.64
Reno	PRM	\$1,589.05
Osborne	ESC	\$2,084.12
Barton	PRM	\$703.52
Dickinson	ESC	\$1,796.07
Ottawa	ESC	\$3,070.76
Rooks	PRM	\$5,000.00
Ellsworth	ESC	\$4,394.73

Total: \$115,669.90

<u>County</u>	<u>Project Type</u>	<u>NPS Funds Approved</u>
Rush	ESC	\$1,207.08
Decatur	PRM	\$3,730.38
Wallace	PRM	\$4,576.90
Atchison	ESC	\$3,368.60
Trego	ESC	\$305.40
Bourbon	ESC	\$2,482.50
Osage	ESC	\$2,642.30
Marshall	ESC	\$5,687.00
Wilson	ESC	\$648.30
Logan	PRM	\$2,902.79
Kiowa	PRM	\$305.40
Bourbon	ESC	\$2,482.50
Nemaha	AWP	\$492.82
Rooks	PRM	\$4,067.84
Sedgwick	Soil Health	\$4,869.00
Rawlins	ESC	\$3,452.70
Linn	PRM	\$1,265.85
Crawford	ESC	\$1,367.48
Wabaunsee	OSW	\$728.30
Geary	PRM	\$6,321.36
Sumner	ESC	\$4,461.21
Greenwood	PRM	\$773.76
Franklin	Soil Health	\$5,642.86
Ellis	ESC	\$305.40
Butler	PRM	\$4,610.27
Allen	PRM	\$3,047.50
Lincoln	PRM	\$2,637.60
Barber	AWP	\$551.03
Lyon	PRM	\$1,338.59
Reno	PRM	\$2,368.60
Osborne	PRM	\$2,366.15
Dickinson	OWS	\$386.60
Clay	PRM	\$9,821.20
Ottawa	ESC	\$2,960.97
Ellsworth	AWP	\$527.00
Total:		\$92,334.64

Fund Balances after November 1, 2023, Cancellation

WR DNA	\$319,158.86
NPS NPS	\$503,413.28

Pool Funding Availability

NPS	\$303,413.28
NPS OSW	\$200,000.00

WR \$319,158.86

****Discuss WR funds used for WR DNA or Irr Tech**

KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION
WATERSHED DAM CONSTRUCTION & REHABILITATION PROGRAM
Adj FY2024

Watershed District	Site #	WSI #	RAC	Hazard	Rank	Total Cost Estimate	Cost-Share Request	Cost-share Approvable
NEW CONSTRUCTION								
Nemaha-Brown WJD No. 7	6-27a		KS	L1	6	279,791.00	117,600.00	117,600.00
Marmaton WJD No. 102	Geiger		MDC	L3	7	96,000.00	84,000.00	84,000.00
REHABILITATION								
Deer Creek WJD No. 55 (*)	122	DAN-0048	NE	L2	1	202,000.00	92,481.05	*92,481.05
Marais des Cygnes DD No. 1	B-2	DFR-0106	MDC	H1	2	269,369.00	120,000.00	120,000.00
Allen Creek WD No. 89	14	DLY-0143	NE	L3	3	73,920.00	51,744.00	51,744.00
Delaware WJD No. 10	A-17	DNM-0257	KS	L2	4	120,000.00	76,000.00	76,000.00
Delaware WJD No. 10 (**)	B-66	DAT-0170	KS	L2	5	105,600.00	64,480.00	64,480.00
Pottawatomie Creek WJD No. 90	D-30	DAN-0052	MDC	L2	8	156,635.20	105,628.16	**43,694.95
TOTAL						1,303,315.20		650,000.00
TOTAL FUNDS REQUESTED							711,933.21	
TOTAL FUNDS AVAILABLE								650,000.00

(*) Partially Funded in FY2023 at \$27,518.95 / (**) To be Supplemented in FY2025 at \$61,933.21



Department of Agriculture
Division of Conservation

**KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION
WATERSHED DAM CONSTRUCTION & REHABILITATION**

Hakim Saadi, P.E.

9/15/2022

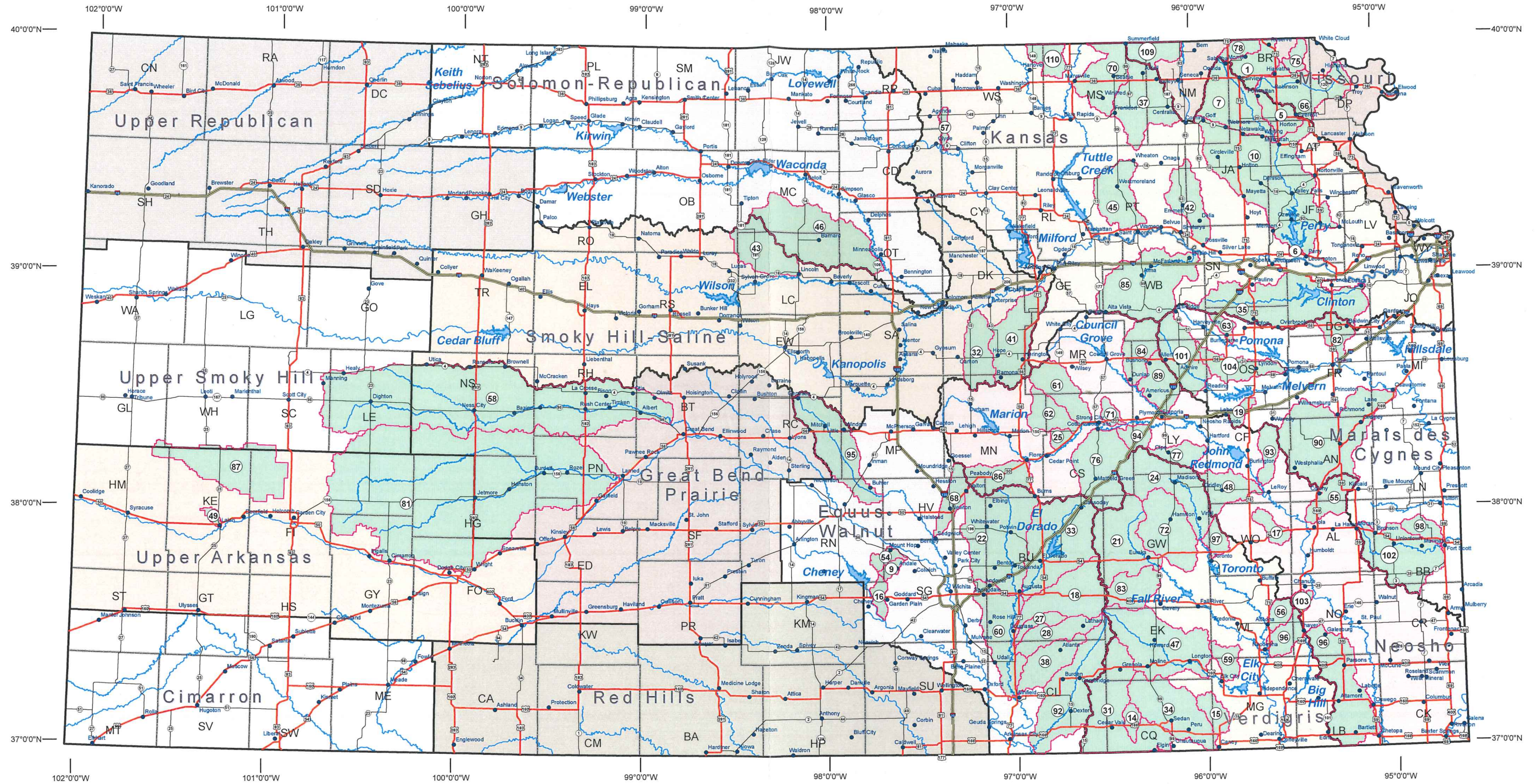
FY 2023

Watershed District	Site	RAC	WSI	Hazard	Cost-share			Total Cost Estimate
					Requested	Approved	App Cumul	
New Construction								
Upper Little Ark WJD 95	9-C	EW	DRC-0031	L3	\$120,000.00	\$120,000.00	\$120,000.00	\$741,000.00
Rehabilitation								
LDM WJD 5 (*)	66	KS	DBR-0034	L3	\$65,639.70	\$43,027.05	\$163,027.05	\$82,049.60
Wakarusa WJD 35	117	KS	DSN-0643	H3	\$120,000.00	\$120,000.00	\$283,027.05	\$250,660.00
Upper MDC WJD 101	106	MC	DLY-0137	L2	\$58,270.00	\$58,270.00	\$341,297.05	\$83,243.00
Pony Creek WJD 78	101	MO	DNM-0268	L2	\$61,184.00	\$61,184.00	\$402,481.05	\$84,128.00
Big Creek WJD 48	3 (SP-7)	NE	DGW-0186	L2	\$120,000.00	\$120,000.00	\$522,481.05	\$199,425.00
Deer Creek WJD 55 (**)	122	NE	DAN-0048	L2	\$120,000.00	\$27,518.95	\$550,000.00	\$202,000.00

(*) Partially Funded in FY 2022:	\$17,393.48
(**) To be Supplemented in FY 2024:	\$92,481.05
Totals	\$665,093.70
	\$550,000.00
	\$1,642,505.60

Funds Requested	\$1,282,431.05
Funds Available	\$550,000.00
	43%

Active Watershed Districts in Kansas



ID	NAME	ID	NAME	ID	NAME	ID	NAME	ID	NAME	ID	NAME
1	Walnut Creek	19	Frog Creek	35	Wakarusa	54	Mount Hope	68	Sand Creek	84	Rock Creek
5	Little Delaware-Mission Creeks	21	Fall River	37	Upper Black Vermillion	55	Deer Creek	70	Vermillion Creek, Revised	85	Mill Creek
6	Thompsonville	22	Whitewater River	38	Timber Creek	56	Cedar Creek	86	Doyle Creek	86	Doyle Creek
7	Nemaha-Brown	24	Upper Verdigris	41	Lyons Creek	57	Dry Creek	72	Walnut-West	87	James Draw
9	Andale	25	Silver Creek	42	Cross Creek	58	Wet Walnut	75	Roys Creek	89	Allen Creek
10	Delaware	27	Muddy Creek	43	Spillman Creek, Revised	59	Duck Creek	76	South Fork	90	Pottawatomie Creek
14	Grant-Shanghai	28	Rock Creek	45	Rock Creek	60	Middle Walnut River	77	Eagle Creek	92	Grouse-Silver Creek
15	Bee Creek	31	Big Caney	46	Salt Creek	61	Diamond Creek	78	Pony Creek	93	Long-Scott Creek
16	Spring Creek	32	Turkey Creek	47	Elk River	62	Middle Creek	81	Pawnee	94	Jacobs-Phenis Creek
17	Cherry-Plum Creek	33	Upper Walnut River	48	Big Creek	63	Switzler Creek	82	Tauy Creek	95	Upper Little Arkansas River
18	Little Walnut-Hickory	34	Twin Caney	49	Lakin	66	Wolf River	83	Otter Creek	96	Labette-Hackberry Creeks



Acting Director's Report

October 1, 2023 – November 19, 2023



1. October 1 - WTAP enrollment was initiated in the Wichita / Greeley target areas to conclude on November 15.
2. October 2–4 – Cathy and Marsha represented DOC at the NASCA conference in Salt Lake City.
3. October 6 - Executive Director Andy Lyon left DOC for a position with Farm Journal.
4. October 16 – Monica Wichman began duties as DOC's new Grants & Agreements Coordinator.
5. October 25 – Steve met with KLA's water committee in Garden City to discuss stockwater conservation projects as the emphasis of new cost-share funds directed at feed yards / dairies.
6. October 31 – was the underfunded project application deadline for WR and NPS; approvals are now processed.
7. November 1 – was the cancellation date for uncommitted WR and NPS cost-share funds.
8. November 1 – an irrigation technology initiative was started; in the first day, over \$1M of applications received.
9. November 1 – notification was received from NRCS that DOC had been awarded a \$24,990,848.00 grant for the Kansas High Plains Aquifer RCPP proposal. KWO is a co-sponsor – collaboration with GMDs is a cornerstone.
10. November 7 - KWO, DWR and DOC met with Brian Olson and staff members of KSU's Western Kansas Research-Extension Centers about their vision and strategies for addressing depletion issues in the High Plains Aquifer.
11. November 14 – KDA was the host site to an interagency workshop for developing nutrient reduction strategies.
12. November 15, 16 – all staff attended the Governor's Water Conference.
13. DOC's land reclamation program consultant has conducted eight site visits during this period.
14. Staff continues development of a software platform for conservation districts to utilize as a versatile template tool in developing and implementing Annual Work Plans – slow going !
15. Staff is conferring to include playa restorations and water quality buffers around Source Water Protection Areas in Western Kansas under the Sediment & Nutrient Reduction program.
16. A semi-formal request has been received from NRCS to expand the number of conservation technicians under our contribution agreement from 25 to 39 – one per management unit.
17. Placement of four new archeologist TA positions is underway – applications being received and considered.
18. The State Finance Council is considering an additional FY2024 \$10M to DOC for WDCP and WTAP programs.
19. Other items of note - DOC FY2025 funding increases from \$12,986,272 to \$21,651,814 (see back page !).
20. DOC currently has a staff of seven filled positions with three vacant positions.

KANSAS STATE WATER PLAN FUNDS – KDA DIVISION OF CONSERVATION FY2025 BUDGET

CONSERVATION

FUND #	FUND NAME	ACCOUNT CODE	FY23 Actuals	FY24 Budget	FY24 Adj. Budget	FY25 Budget
1000-0053	State General Fund	Appropriation	501,964	506,512	620,861	624,344
1800-0088	State Water Plan - Irrigation Technology	Appropriation	408,976	350,000	550,000	2,550,000
1800-1205	State Water Plan - Water Resources Cost Share	Appropriation	4,023,581	2,768,956	2,834,714	5,000,000
1800-1210	State Water Plan - Non-Point Source	Appropriation	2,291,809	1,863,636	1,866,598	1,866,598
1800-1220	State Water Plan - Conservation District Aid	Appropriation	2,473,373	2,502,706	2,502,706	3,502,706
1800-1225	State Water Plan - Water Transition / CREP	Appropriation	979,867	550,727	1,189,574	1,554,142
1800-1240	State Water Plan - Dam Construction Rehab	Appropriation	550,000	550,000	650,000	3,000,000
1800-1250	State Water Plan - Water Quality Buffer	Appropriation	635,432	-	-	-
1800-1260	State Water Plan - Riparian & Wetland	Appropriation	666,194	154,024	154,024	154,024
1800-1300	State Water Plan - KS Reservoir Protection Initiative	Appropriation	-	-	1,467,795	1,500,000
1800-1290	State Water Plan - Streambank Stabilization	Appropriation	1,084,589	750,000	750,000	1,500,000
1800-0090	State Water Plan - Soil Health Initiative	Appropriation	100,000	200,000	400,000	400,000
TOTAL			\$13,715,785	\$10,196,561	\$12,986,272	\$21,651,814



PROPOSED REVISIONS

Stream Obstruction Act and Associated Regulations

September 29, 2023

Background

The Water Structures Program of the Kansas Department of Agriculture Division of Water Resources (KDA-DWR) is charged with protecting property and public safety, and is responsible for maintaining a safe inventory of dams in the state.

The safety of Kansas dams is a significant concern for KDA-DWR. Many factors have contributed to the decline of the overall status of dam safety statewide, including legislative changes, lack of reporting, loss of cost share at the state and federal level, and neglect in dam maintenance by dam owners. The result has been a growing number of dams reaching the end of their useful life with no ability to address their deficiencies. The 2022 legislature recognized the need to address the problem and funded an independent dam safety evaluation to consider the Kansas dam safety program with regard to other state programs, industry standards and the model state dam safety manual. Those evaluation teams provided recommendations which led to the development of these proposed revisions to improve dam safety in the state of Kansas.

Dam Inspections

We recommend a return to agency-based dam safety inspections, rather than requiring dam owners to hire licensed professional engineers to complete inspections. This will improve compliance and maintenance practices and improve the quality of the inspection reports.

- Maintain a 3-year rotation for high hazard potential dams (HHPD).
- Maintain a 5-year rotation for significant hazard potential dams (SHPD).
- Inspect low hazard potential dams (LHPD) on a 10-year rotation.

Low Hazard Potential Dam Exemptions

Most of the nation's dam failures occur on dams that are classified as LHPDs, meaning they have a height of less than 30 feet and a storage volume of less than 125 acre-feet at the auxiliary spillway. These have been exempted from prior approval for construction, which has led to construction of dams without any engineering design or standard, putting downstream development in jeopardy. We propose removing the exemption for LHPDs in the interest of public safety.

Compliance and Enforcement

The addition of a civil penalty provision to the statute will allow for an additional enforcement tool for non-compliance with regulations related to dams and stream obstructions. This would be combined with a risk-informed decision-making process that will prioritize enforcement actions. These tools will help with compliance of unsafe dam owners and will help ensure that resources are allocated in a way that provides the highest level of risk reduction to the public.

Staffing

The level of dam safety staffing and funding in Kansas is well below the national average. In fact, Kansas ranks 49th of the 50 state dam safety programs on the number of dams per Full Time Equivalent employees, with 4 FTEs currently. In order to provide the existing services to dam owners and the proposed inspections, the program would need an additional 12 FTEs for a total of 16. These increases would be significant but would still only place Kansas in the bottom half of the nation for dams per FTE. In addition, we have seen it is critical that these positions offer sufficient salaries to attract qualified candidates.

Application Fees

Currently, Kansas requires a permitting fee of \$200 for dam construction or modification to an existing dam. This fee is significantly less than what many states charge for permitting fees, and do not come close to supporting the review time for a new dam or modifications to an existing dam. The following fees would move Kansas in the direction of requiring application fees that are in line with other states and that support the public safety enhancements for the dam safety program:

- High Hazard Potential Dam — \$5,000 New / \$3,000 Modification
- Significant Hazard Potential Dam — \$3,000 New / \$2,000 Modification
- Low Hazard Potential Dam — \$1,500 New / \$1,000 Modification

Registration Fees

Kansas currently does not require annual dam registration fees, but instead dam owners are required to pay for these inspections themselves every five years, which can cost the individual owner up to \$10,000. KDA-DWR proposes an annual registration fee for high and significant hazard dams which would be more cost-effective for dam owners in the long run than privately funding that same function, and would result in a consistent cost rather than a large expenditure when the inspection is due. This fee would help fund the necessary increase in staffing to accomplish the increased inspection load by KDA-DWR. We recommend the following dam registration fees:

- High Hazard Potential Dam — \$1,500 / year
- Significant Hazard Potential Dam — \$1,000 / year
- Capped at \$10,000 / year / owner

Watershed District Act

The consultant review identified that there is increasing potential for concern regarding Watershed Districts and their ability to oversee the maintenance and responsibility of infrastructure in the district. It is recommended that the statute be changed to allow for regulations to clarify the requirements of the Watershed District Act, to provide for longevity for the districts and ensure public safety.

Other Recommendations

In addition to the recommendations that were identified in the evaluation process, the dam safety program proposes to establish a road fill dry detention exemption which would exempt state, county or municipal dry detention road fill dams from the state's dam requirements. Instead, these would be permitted as stream obstructions.

Conservation District Program Coordinator Update Marsha Setzkorn-Meyer

New District Managers

Area	County	Name	Start Date
3	Reno	Elizabeth (Liz) Lutz	1/3/2023
3	Cloud	Left before soon after starting	-
3	Pawnee	Sandy Herrman	2/22/2023
1	Rawlins	Lisa Sheppard-Hein	3/20/2023

3	Ottawa	Shannon Smith	5/16/2023
4	Shawnee	Megan Dix	5/17/2023

3	Cloud	Gunner Coffman	7/27/2023
4	Miami	Melanie Brungardt	8/15/2023
2	Grant	Magen Delgado	8/13/2023
3	Sumner	Kacie Gosselin	9/9/2023
4	Morris	Mallory Burton	9/15/2023
5	Crawford	Left before starting	-

5	Chase/Lyon	Kristen Hughes	10/16/2023
5	Montgomery	Left before starting	-
2	Wichita	Darla Lewis	10/10/2023
5	Cowley	Courtney Priest	11/13/2023
2	Stanton	Shawna Coffey	11/1/2023
3	Harvey	Andy (Andrea) Hamm	11/19/2023

15 new district managers

3 hired but left before starting the position

Current Vacancies

Area	County
5	Crawford
2	Hodgeman
5	Montgomery
1	Graham

District Managers left in 2023:

5 left for benefits/other jobs

3 retired

3 left for unknown reasons

1 let go

2 left for personal reasons