

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 2:40 p.m., Sunday, November 21, 2021, at the Hyatt Regency, 400 W Waterman St., 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

Ex-Officio & Appointed Members:

Karen Woodrich, State Conservationist, Natural Resource Conservation Service
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:

Andrew Lyon, Executive Director
Scott Carlson, Assistant Director
Steve Frost, Administrative Manager
Dave Jones, Water Quality Program Manager
Kristin Kloft, Riparian & Wetland Program Manager
Hakim Saadi, Watershed Programs Manager
Cathy Thompson, Program Consultant
Marsha Setzkorn-Meyer, Conservation District Program Coordinator
Christy Koelzer, Administrative Specialist

Guests:

Dan Meyerhoff, Executive Director, KACD
Amanda Scott, President, KACD-EO
Jason Hartman, State Forester, Kansas Forest Service
Earl Lewis, Chief Engineer, Division of Water Resources, KDA
Loren Berndt, Supervisor, Saline Count Conservation District

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3. APPROVAL OF AGENDA:

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

4. MINUTES OF THE PREVIOUS MEETING:

A motion was made by Brad Shogren to approve the September 16, 2021, minutes as emailed. The motion was seconded by Ted Nighswonger. Motion carried.

5. NEW DOC STAFF INTRODUCTION:

a. Andrew Lyon introduced Marsha Setzkorn-Meyer, Conservation District Program Coordinator.

6. UNFINISHED BUSINESS:

a. SCC Commissioner KACD convention roles and responsibilities – Lyon

i. Andrew Lyon reviewed the SCC Luncheon Agenda (Attachment A), and commissioner roles and responsibilities were assigned.

b. Legislative/Budget Update – Lyon

i. Andrew Lyon informed the commissioners that the budget remains the same as presented on September 16, 2021. A \$250,000 enhancement will allow DOC to meet the full match from the counties.

ii. DOC will ask for an extension for the sunset of the WTAP Program that was scheduled to occur at the end of FY22.

iii. While speaking at the Governor's Water Conference, Representative Highland shared that there could be a restructure of agencies involved with water in Kansas. Andrew Lyon will provide updates to commissioners as needed.

7. NEW BUSINESS:

a. KACD's DOC budget resolution – Frost

i. Steve Frost informed the commissioners that he would assist the KACD Finance Committee in preparing the resolution if needed.

A motion was made by Brad Shogren to encourage the KACD Finance Committee to adopt a resolution to support the KDA DOC budget for FY23. The motion was seconded by Ted Nighswonger. Motion carried.

b. NACD Annual Meeting in Orlando, FL February 12-16, 2022 – Lyon

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- i. Andrew Lyon informed the commissioners the NACD Annual Meeting would be February 12-16 in Orlando, FL. Registration is due December 15.
- c. On-Site Waste cost-share discussion – Jones
 - i. David Jones provided a written update for the On-Site Waste cost-share discussion (Attachment B).
 - ii. David Jones will provide a report showing how counties prioritize OSW and actual costs at the next meeting.
- d. Communications/Strategic Planning – Lyon
 - i. Andrew Lyon informed the commissioners that the State Association of Kansas Watersheds Annual Meeting is February 1-2, 2022. Commissioners could attend a portion of the SAKW Annual Meeting in conjunction with the next SCC meeting, which would include a work planning session to discuss and develop a strategic communication plan.

A motion was made by John Wunder to recognize Brad Shogren for his commitment to representing Area III. The motion was seconded by Andy Larson. Motion carried.

8. UPDATES:

- a. Agency Updates
 - i. Jason Hartman (KFS) provided a written update. (Attachment C)
 - ii. Earl Lewis (KDA, DWR) informed the commissioners that DWR has recommended legislative changes to the Dam Safety Program.
 - iii. Karen Woodrich (USDA, NRCS) informed the commissioners that chief agency priorities for FY22 include equity, program accessibility, ensuring programs are easy to understand for everyone, cultivating an all-inclusive and diverse workforce, urban agriculture concerns, and climate smart agriculture and practices. The agency wants to do a better job of leveraging partnerships and technology. Applications for EQUIP and CSP exceed available funding. Signup was pushed back as application ranking has just started.
 - iv. Peter Tomlinson (KSU Research & Extension) informed the commissioners that all department head positions are present, although they are still trying to fill vacant faculty positions. They continue to look for opportunities to support the needs of producers across the state. Peter thanked Brad Shogren for his service and congratulated Scott Carlson on his retirement.
 - v. Terry Medley (KDA, DWR) provided a written update. (Attachment D)
- b. DOC Staff Updates
 - i. Dave Jones provided a written update. (Attachment E)

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- ii. Kristin Kloft provided a written update. (Attachment F)
 - iii. Christy Koelzer informed the commissioners that she has been working on ag lime analysis certificates and land reclamation license renewals.
 - iv. Scott Carlson informed the commissioners that ACME Brick was awarded the 2021 National Association of State Land Reclamationists non-coal award. This was Kansas's 7th national award, the record for the most national awards by any state. There were two applications for the 2021 Governor's Mined Land Reclamation Award which were sent to a review committee. Scott is retiring after more than 27 years of service. December 13 is his last day. Scott said it has been a privilege to serve.
 - v. Hakim Saadi provided a written update. (Attachment G)
 - vi. Steve Frost provided a written update. (Attachment H)
 - vii. Cathy Thompson informed the commissioners that she has been approving cost share and training new district managers. There were two resignations last week. Five counties are vacant.
 - viii. Andy Lyon informed the commissioners that he commends DOC staff on efforts to make sure districts don't feel impacted by the interruption of being in the office versus remote work. Andy recognized Scott for his 27 years of service and presented him with a plaque.
 - ix. Marsha Setzkorn-Meyer provided a written update. (Attachment I)
- c. Comments from Guests
- i. Amanda Scott (KACD-EO) provided a written update. (Attachment J)
- d. Elected Commissioner Area Updates:
- i. Ted Nighswonger (Area I) informed the commissioners that they had moisture in July and August and now they are on the drought map.
 - ii. Andy Larson (Area II) informed the commissioners that there has been extreme drought and some corn hasn't been harvested. Andy wished Scott and Brad well.
 - iii. Brad Shogren (Area III) informed the commissioners that he gave the children's sermon in church that morning and shared the message that God gives us all gifts and they are all important. Brad thanked everyone.
 - iv. John Wunder (Area IV) informed the commissioners that there is a tremendous amount of conservation work to do in the next year. People have money to spend. John finished harvest on Friday.
 - v. Rod Vorhees (Area V) informed the commissioners that he had nothing to report.

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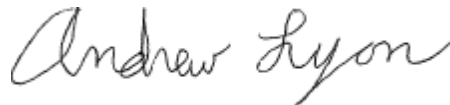
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9. ADJOURNMENT:

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

The meeting was adjourned at 5:18 p.m.

A handwritten signature in black ink that reads "Andrew Lyon". The signature is written in a cursive, flowing style.

Andrew Lyon
Executive Director

SCC LUNCHEON AGENDA
Monday, November 22, 2021
12:15 – 2:00 p.m.

TIME	ASSIGNED TO	TASK
12:20		Welcome
12:23		Invocation
12:25		Lunch
12:30		Introductions DOC Staff – 9 KACD – 6 KDA – 1 NACD – 1 State Legislators – 3 RAC (names on slide, not to be read. Members stand) - 21 Kansas Water Authority – those in attendance only – 6 so far SCC Commission - 9
12:50		Introduce Dwayne Roux (pronounced Rucks), Education and Youth Comm. Chairperson. Winning Speech given
1:00		Introduce Keynote Speakers – Rep. Highland and Rep. Vaughn
1:30		Announce Governor’s Recognition of Kansas Conservation District Service Awards (includes time for photos)
1:50		Announce 20-year Supervisors and 20-year District Employees Announce names, but awards given at district annual meetings
1:55		Announcements
2:00		Adjourn SCC Luncheon

On-Site Waste Cost-Share Discussion Points

- NPS Funds under contract or paid for FY 2022(OSW contracts) - \$329,830.27 (34% of FY 22 county allocated funds)
- NPS Funds under contract or paid for FY 2021(OSW contracts) - \$452,186.30 (36% of FY 21 county allocated funds)
- Average cost-share amount per OSW contract is \$2,334.38 (FY 2021 and FY 2022 combined)
- Contracts for partial (mainly septic tank replacement) system repair have been on the rise for the past few years.
- Research shows conventional on-site waste system do little to remove phosphorus from the wastewater.

Potential Options

- Have a dedicated amount of funds for on-site waste systems at the state level. Counties could submit applications for these funds until they have been exhausted.
- Only offer cost-share for complete system replacement.
- Have a state level project limit for OSW.
- Remove OSW from the NPS practice list.



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Attachment C

Care of natural resources and service to people through forestry.

Kansas Forest Service update for November 21, 2021 State Conservation Commission Meeting:

1. Annual updates of the listings of Kansas Timber Buyers and Kansas Sawmills have been completed. The number of Timber Buyers decreased by 3 (From 52 to 49) and the number of Sawmills decreased by 9 (from 53 to 44). Of special concern, is that 2 of the sawmills lost were well established and with high volume capabilities.
2. Forestry Technical Service provided (4th Quarter of Federal FY 2021):
 - a. 76 plans
 - b. 828.16 ac
 - c. Forestry Education
 - i. 2 Adult events (76 people)
 - ii. 3 Youth events (93 people)
 - d. 47 Landowner Assistance Visits
3. Fall sales will began September 1st and were 75% sold out in the first week. Fully sold out by the end of September.
 - a. Spring season will begin taking orders on December 1st.
4. Urban Forestry awarded a USFS grant to assist with tree plantings to mitigate canopy lost to EAB in the Kansas City area.
5. Forest Health:
 - a. Partnered with several state agencies to respond to State Fair finding of Spotted Lantern Fly.
 - b. Worked with KDWP to check Emerald Ash Borer trap trees. No new EAB found.
6. Wildland Fire Management:
 - a. KFS partnering with Clark County Emergency Management, Englewood FD, and Ashland FD to complete a FEMA grant funded hazardous fuels reduction project to remove standing dead and other hazardous fuels in and around communities impacted by the 2017 Starbuck Fire.
7. Staff Changes:
 - a. Robert Atchison retirement reception scheduled for 5:30pm on December 14th at the KSU Alumni Center.
 - i. Position has been posted for recruitment with a target of making a selection by the end of December.
 - b. Cassie Wandersee, Communications Coordinator will be leaving KFS in mid-January to take a position with the Montana DNR.
 - c. Water Quality Forester Jarran Tindle will be leaving KFS in the spring to take a position with private forest industry in northern California.

Dam Safety Program General: The Division continues to struggle with the overall dam safety program. The problems are several and interrelated. First, legislative changes made in 2013 to exempt a number of dams from regulation, but not from initial review, have reduced revenue from permitting fees and from the FEMA grant due to the way that the federal formula specifies how many dams the state gets reimbursed for. That combined with reductions in state general fund have limited how many staff can be hired. Poor pay for engineers within the state system leads to poaching of staff once we are able to get them trained, leading to a less experienced and efficient workforce. Finally, years of neglect of dam maintenance by dam owners, combined with lack of cost share at the state and federal level, is manifesting in a number of dams reaching the end of their useful life with no ability to address their deficiencies. That is the issue we are seeing come to light with the Jackson and Shawnee county dams as well as the Sabetha dam that nearly failed in 2019. There are probably hundreds of dams nearing the point of a similar situation that will ultimately have to be addressed in an emergency situation or left to fail on their own, losing the value they were originally constructed for. We need to address this overall problem in total or we will see a growing number of dams in an emergency action in the future. DWR is proposing changes to the Obstructions in Steams Act and has asked for an enhancement request. Stakeholder outreach was conducted on November 12th and 19th. Legislative outreach was held November 17th.

Risk Mapping, Assessment and Planning (MAP) Discovery meetings: The Lower Kansas and Independence Sugar Discovery meeting was held on 8 September virtually. Upper Kansas Discovery meeting was held 9 September virtually. The Base Level Engineering (BLE) phase marks the first stage of updating floodplain maps for the watershed and will be further enhanced through Data Development in FFY 21 and 22. Regulatory products will be developed for Pottawatomie, Jackson, Douglas and Jackson Counties. It will be a few years before there are new effective maps for these counties. BLE data for areas outside of those counties can be used as best available information where there is Zone A or unmapped floodplains, but updated floodplain maps are not planned at this time. These initial draft floodplains are not yet ready to be released to the public since they will be further enhanced and potentially modified due to comments. It is important for communities be involved early in this process to begin reviewing the data, provide feedback to DWR and to be aware of the project as it moves forward. DWR also used this meeting to discuss any technical assistance needs and to look at possible mitigation actions.

Association of State Dam Safety Officials (ASDSO): Terry Medley attended the ASDSO annual meeting and annual conference 12 -16 September. The conference was held in Nashville, TN. During the annual meeting, Terry was elected to the board of directors.

Flood Risk Review Meetings: DWR hosted flood risk review meetings for Harper County on 12 October and Barber County on 13 October. The meetings were held virtually. At the meeting DWR discussed the communities' role in reviewing the draft floodplains, the upcoming public open houses and the remaining project timelines. The Base Level Engineering (BLE) phase marks the first stage of creating Flood Insurance Rate Maps for Harper and Barber counties. These initial floodplains are not yet ready to be released to the public since they will be further enhanced and potentially modified due to comments by the communities. DWR also discussed any technical assistance needs to look at possible mitigation actions.

Operation and Maintenance (O&M) Workshops: DWR, DOC, SAKW and NRCS held watershed district O&M workshops in Topeka on 12 October, Abilene on 13 October and La Crosse on 14 October. A total of 75 participants attended the workshops. Topics included

DWR permitting and safety inspections, Form KS-ADS-8, NRCS O&M policy and agreements and the afternoons were on-site completing an inspection.

Natural Resources Conservation Service (NRCS) Meeting: DWR met with the NRCS State Conservation Engineer and other staff on February 24. The purpose of the meeting was to discuss possibilities of more closely aligning hazard classifications of dams. Additionally, discussion about how to streamline NRCS Emergency Watershed Protection applications as related to auxiliary spillway repair.

Ottawa and Lincoln County Open Houses: The Risk Mapping, Assessment and Planning (Risk MAP) open houses were held on 3-4 November in Minneapolis and Lincoln respectively. The open house is to share information with the public regarding the proposed Flood Insurance Rate Map (FIRM). The open houses are formatted so citizens can sit with KDA, Wood I&E and FEMA at computer stations and ask specific questions regarding their property or property of concern. NFIP specialists from FEMA also attended the open houses.

Ukrainian Delegation Tour: Earl participated in a tour of agricultural points of interest in central and southwest Kansas on November 11th.

Staffing: The program has a vacant senior administrative specialist. The stream team has 1 vacant engineering position. The submitted enhancement package would include restored funding for 1 stream team engineer and 3 dam safety engineers.

Water Quality Programs Update

Dave Jones – Water Quality Programs Manager

- Uncommitted Water Resources and Non-Point Source cost-share funds will be cancelled on December 3, 2021. Several reminders have been sent to the districts regarding the cancellation.
- DOC staff have been working with the Haskell County Conservation District and Ducks Unlimited on a pilot project for playa restoration. The pilot will involve Haskell County using Water Resources cost-share funds to partner on playa restoration projects with Ducks Unlimited and FSA. The conservation district and Ducks Unlimited will provide stack payments to increase the landowner's cost-share percentage for the project implementation.
- DOC plans to offer scholarships to the annual No-Till on the Plains winter conference. The contract is currently going through the agency process. DOC will announce the scholarship opportunity once the contract has been signed by both parties.
- Soil Health Education funds are still available to districts. The funds can be utilized to host soil health workshops or to procure soil health educational materials.

Riparian & Wetlands Program Update

Kristin Kloft

- Attended the Ducks Unlimited Private Lands meeting in Great Bend, Governor's Water Conference and am serving on the planning committee for this year's Playa Lake Workshop.
- Held pre-construction meetings for Delaware streambank sites D13 and D15, Little Blue River streambank sites 17, 18 and 30, Cottonwood streambank sites C112 and C130.
- Assisted with mussel survey on Cottonwood streambank site C130.
- Practiced streambank surveying both cross-sectional and longitudinal profile prior to attending the Rosgen course, also visited a couple of small stream sites needing repairs.
- We're moving forward on a small streambank site within the Delaware drainage. We surveyed the site and will be working on the project design while Glacial Hills RC&D is working on the landowner agreement and applying for the necessary permits after the design is completed.
- Had new tires and tarp installed on the stream trailer.
- Attended Rosgen's Applied Fluvial Geomorphology Level 1 course in Fayetteville, Arkansas.
- Working on scheduling the next Inter-Agency Streamteam meeting in December to discuss putting two large Cottonwood streambank projects out for bid this winter.

Watershed Districts

Hakim Saadi, P.E.

November 21, 2021

A. Watershed Dam Construction Program (cost-share assistance)

Watershed District	Site	RAC	Cost-share			Total Cost Estimate
			Requested	Approved	App Cumul	
Wet Walnut WJD 58 (*)	153	GB	\$47,406.52	\$47,406.52	\$47,406.52	\$106,000.00
Walnut-West WD 72	DD 3	EW	\$120,000.00	\$120,000.00	\$167,406.52	\$190,000.00
Lakin WD 49	FRD 4	UA	\$13,354.00	\$13,354.00	\$180,760.52	\$18,694.00
Lakin WD 49	FRD 2	UA	\$26,745.00	\$26,745.00	\$207,505.52	\$36,793.00
Pawnee WJD 81	1-17	GB	\$120,000.00	\$120,000.00	\$327,505.52	\$212,885.00
Rock C WJD 84	204	NO	\$98,166.53	\$98,166.53	\$425,672.05	\$143,589.00
Switzler Creek WD 63	5	MC	\$120,000.00	\$120,000.00	\$545,672.05	\$226,500.00
Delaware WJD 10	C-58	KS	\$72,000.00	\$72,000.00	\$617,672.05	\$110,000.00
Delaware WJD 10	A-99	KS	\$76,000.00	\$48,000.00	\$665,672.05	\$115,000.00
LDM WJD 5 (**)	66	KS	\$65,639.70	\$22,612.65	\$688,284.70	\$103,148.00

(*) Partially Funded in 2021:	\$17,393.48	\$759,311.75	\$688,284.70		\$1,262,609.00
(**) To be Supplemented in 2023:	\$43,027.05				

B. O&M Inspections

- The Watershed Partnership (DOC, DWR, NRCS and SAKW) conducted three O&M Workshops (Oct 12, in Topeka, Oct 13 in Abilene and Oct 14 in LaCrosse).
- State Funded Dams at 22%, NRCS at 43%, as of Nov 15, 2021
- All due on or before Dec 31.

Administrative Manager/Water Conservation Programs Manager Update

Steve Frost

Current activities and major tasks ahead for the October – December quarter:

- A fall WTAP enrollment period is currently open in Wichita and Greeley counties until November 15. To date, one application has been received and at least one more is expected before the closing date. \$250,000 is currently available for WTAP irrigation water right retirements from DOC in the Groundwater Recharge and Sustainability Project (GRASP) RCPP partnership effort on water conservation and playa restorations. The WTAP program statutory authorization sunsets on June 30, 2022 and will need to be revisited in the next legislative session if there is an agency / stakeholder desire to continue with the project.
- The revised and updated Upper Arkansas River CREP MOA was officially signed by FSA on August 9, 2021 with an October 1 effective date. Under the new MOA terms, the state incentive payments will increase very significantly and a new conservation practice, CP-43 Prairie Strips, will be available for landowners agreeing to voluntarily retire their irrigation water rights and maintain a 15-year CRP conservation cover on enrolled land. DOC proposed alternative irrigated rental rates to FSA on October 8 which are still under consideration. The refreshed rollout effort has been paused pending the final rental rate determination.
- The federal fiscal year closing on September 30 necessitates significant grant reporting activities by October 31 for the 40 TA partnership positions with conservation districts that are contracted under DOC's five major employment funding projects. During this period, DOC's formal agreement with KACD for support of seven conservation technicians was closed after grant funding from NACD was rerouted directly to the conservation districts. DOC is still providing local match funding to each conservation districts to continue support for those seven positions.
- As part of the FY2023 budget preparation process, DOC met with KDA agency leaders to review and propose revised metrics for performance reporting. DOC's goal is to gradually amend the current categories and metrics to more accurately reflect and align with State Water Plan funding categories and objectives. This effort will help everyone better understand how DOC's implementation of dollars and results are consistent with our program funding requests.
- Continuing program / personnel duties and administrative / fiscal operations as usual.

Conservation District Program Coordinator Update

Marsha Setzkorn-Meyer

- Received training from Dave and Cathy to learn how DOC is currently training new district managers. This included being a part of TEAMS meeting calls with new district managers.
- Working with Steve Frost to update the Conservation District Handbook
- SCC Luncheon preparation – Creating PowerPoints, agenda, script, etc. for the SCC luncheon at the KACD Convention.
- District Manager update since 09/01/2021

New District Managers

Area	County	Name	Start Date
3	Mitchell	Amanda Johnson	09/20/2021
2	Ford	Josey Kowalke	10/06/2021
3	Republic	Brenda S. Mikesell	11/02/2021

District Managers

Area	County	Name	End Date	
3	Republic	Morgan Barnhart	09/24/2021	Resigned
5	Linn	Karen Tuggle	09/30/2021	Retired
2	Grant	Kerrie Meredith	10/12/2021	Resigned
2	Ford	Josey Kowalke	11/17/2021	Resigned
2	Scott	Breva Winderlin	12/08/2021	Resigned

Current Vacancies

Area	County
2	Stanton
1	Rawlins
2	Grant
2	Ford
2	Scott

Kansas Association of Conservation Districts Employees' Organization

AMANDA SCOTT, President



November 2021

- The KACD-EO Executive Board met September 16, 2021 in Hutchinson and volunteered at Agri-Land at the State Fair.
- I attended the Reno County Conservation Tour in September.
- The KACD-EO Area Representatives continue to meet monthly with area District Managers.
- The KACD-EO Executive Board continues to attend the DOC Partnership monthly virtual meetings.
- I am participating on the Core Team for the Kansas Leadership Transformation Grant with KACD.
- I am participating the development of the District Manager training curriculum with partner agencies.
- I continue to:
 - Work with district managers to answer questions/concerns
 - Welcome new district manager
 - Keep the Picture Directory updated
 - Share educational opportunities with districts

As always, if anyone has any questions or concerns, please contact myself or any Area KACD-EO Representatives for assistance.