



Kansas Chapter of the American Fisheries Society

Dear House Committee on Water and Environment,

On behalf of members of the Kansas Chapter of the American Fisheries Society (KS-AFS), we submit our resolution to express our opposition to House Bill 2452 – Limiting the duration of certain conservation easements. The KS-AFS is composed of aquatic science professionals, students and interested parties devoted to promoting the conservation, development and wise use of the fisheries and aquatic resources of Kansas and the United States.

To expand on the attached resolution, we feel the amendments to K.S.A. 58-3811 proposed in HB 2452 undermine the conservation of Kansas aquatic resources by creating an undue disparity in lifespans of the impact site and the mitigation site. The “life of project” definition within HB 2452 creates several exemptions that would lead a conservation easement to be removed prematurely. Many in-channel projects (road crossings, weirs, dams, etc.) that impact streams are built with an expected lifespan of 50+ years, which is often extended with maintenance and repair. Mitigation sites, if managed properly, can easily reach their performance standards within 5-10 years. If a conservation easement is removed at this point, the mitigation site is no longer protected and is subsequently open to impacts.

Example: A stream is channelized, decreasing its meandering length of 1,500 feet to a straight 1,000 feet. The adjacent ground is developed and thus the stream is likely to remain channelized in perpetuity (100+ years). The project sponsor is responsible for offsetting that loss of stream habitat by restoring another reach of stream and placing a conservation easement on the mitigation area. If that mitigation area reaches its performance standards within 10 years, the conservation easement could be removed as proposed in HB 2452. The restored stream could then be impacted, creating a shortfall (100 years of impact versus 10 years of restoration) in the quality of our aquatic resources and the benefits they provide to all Kansans.

With ever-increasing awareness of the benefits and values provided by healthy streams and intact watersheds, there is a growing national trend of stream restoration. Supporting this bill would be counter to that trend, and thus we urge you to vote no on HB 2452.

Sincerely,

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Kansas Chapter of the American Fisheries Society
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Resolution Regarding:

Proposed Amendment to HB 2452

WHEREAS, the Kansas Chapter of the American Fisheries Society (KS-AFS), being a full member of the American Fisheries Society since 1975; and,

WHEREAS, the KS-AFS is composed of aquatic science professionals, students and interested parties devoted to promoting the conservation, development and wise use of the fisheries and aquatic resources of Kansas and the United States; and,

WHEREAS, the KS-AFS recognizes the importance of clean streams and rivers to the aquatic plants and animals that occupy them;

THEREFORE, BE IT RESOLVED that the KS-AFS DOES NOT support any proposed amendments to Current K.S.A. 58-3811 that would undermine the perpetual state of mitigation imposed when that mitigation is ordered to comply with existing state and federal regulations regarding altering streams, rivers, or their accompanying riparian areas.