



STATE ASSOCIATION  
OF KANSAS WATERSHEDS



**Proponent Testimony on HB 2452**

**House Committee on Water and the Environment**

**January 18, 2018**

**Chairman Sloan and members of the House Water and Environment Committee.**

**My name is Herb Graves, Executive Director of the State Association of Kansas Watersheds. SAKW stands in support of HB 2452**

**A regulatory requirement of the Kansas City, Missouri District of the US Army Corps of Engineers (hereby referred to as the Corps) is that a Clean Water Act Section 404 permit must be obtained prior to construction of any project that impacts the jurisdictional Waters of the US.**

**As a result of the rules set by the Corps for Compensatory Mitigation, Kansas Watershed Districts must develop and implement a mitigation plan that offsets any environmental impacts to woodlands, wetlands, or streams resulting from construction of their projects such as a flood reduction dams. Any practice identified in the mitigation plan must be protected by a conservation easement.**

**Currently, compensatory conservation easements are for a term of perpetuity and must be obtained from willing landowners. The mitigation easements are held by third party agents meeting the Corps criteria.**

**The costs for mitigation plan development and implementation; third party agent services; and maintenance of all conservation easement practices into eternity are the responsibility of the Watershed Districts.**

**Districts feel a term for compensatory mitigation conservation easements should not exceed the “life of the project” that required mitigation in the first place is much more appropriate and much more receptive to local land owners being asked to sign into mitigation conservation easements. The oldest Watershed District dam constructed in Kansas dates back to 1954. With good maintenance and or rehabilitation, this dam along with 1500 others could be functional and in place for many years past there expected life.**

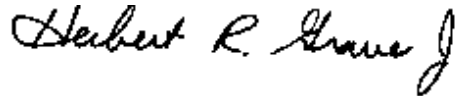
**As long as a landowner and his family can see the dam in place, the concept of “life of project” protection of mitigation conservation easements they have signed into is more understandable. Asking a landowner to vision that mitigation practice he is being asked to sign into still being maintained billions of years down the road just casts unbelievable doubts over the requesting negotiation.**

**HB 2452 would limit the term of compensatory conservation easements for mitigation in Kansas to the “life of the project” constructed by Watershed Districts. “Life of project” for definition purposes is the**

number of years the impact from the project no longer is felt by the streams, woodlands, or wetlands that required the 404 permit in the first place.

As HB 2452 outlines, either the landowner or the third party agent in consultation with the Watershed District can request a review through KDA/DWR for the Corps to determine if the “life of project” term has been reached.

Thanks for the opportunity to comment on HB 2452. I would be glad to take any questions from the committee at the appropriate time.

A handwritten signature in black ink that reads "Herbert R. Graves Jr." The signature is written in a cursive style with a large, stylized initial 'H'.

**Herbert R. Graves Jr.**  
**SAKW Executive Director**