



STATE ASSOCIATION
OF KANSAS WATERSHEDS



Proponent Testimony on SB 201

Senate Committee on Assessment and Taxation

March 7, 2019

Chairman Tyson and members of the Senate Committee on Assessment and Taxation.

My name is Herb Graves, Executive Director of the State Association of Kansas Watersheds. SAKW stands in support of SB 201.

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 other 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 conservation easements are held by third party agents meeting the Corps criteria. At the present time the Kansas Department of Agriculture's Division of Conservation is a Corps approved third party agent. ***Insert in line 27 following the word by – "any Corps approved third party agent such as"**

Examples of mitigation practices: Stream Channel Restoration, Streambank Modification, In-Stream Habitat Recovery, Impoundment Removal, Road Crossing Improvement, Establishment of Riparian Buffers, and Creation or Reconnection to Floodplain.

The conservation easement language is quite restrictive and does not leave the landowner with many options for the use of the easement's land area.

SB 201 would provide a tax exemption, if the land area of the conservation easement is donated, at twice its land assessment value for a period of 20 years. Watershed districts have always been able to reward landowners who have donated land rights to build the dam and store upstream floodwaters and now this reward would be extended to landowners who donate conservation easement land areas as well.

Thanks for the opportunity to comment on SB 201. I would be glad to take any questions from the committee at the appropriate time.

Herbert R. Graves Jr.
SAKW Executive Director