

M I N U T E S

SPECIAL COMMITTEE ON ENERGY AND NATURAL RESOURCES

September 21-25, 1975

Members Present

Senator Vincent Moore, Chairman
Representative Ansel Tobias, Vice-Chairman
Senator Dan Bromley
Senator Don Christy
Senator Leslie Droge
Representative Kenneth Althaus
Representative Gus Bogina
Representative Theo Cribbs
Representative Donald Mainey
Representative Edgar Moore
Representative Irving Niles
Representative Rip Reeves
Representative Fred Rosenau

Staff Present

Ramon Powers, Legislative Research Department
Emalene Correll, Legislative Research Department
Dr. Wilbur Ringler, Extension Division, Kansas State University

The Special Committee on Energy and Natural Resources conducted six hearings in six different Kansas communities in the week September 22-25. Most of the members of the Committee assembled in Wichita, September 21 and left by bus on Monday, September 22 at 7:30 a.m. for Garden City. From there they went on to Hays, Holton, Olathe, Chanute and Wichita for meetings. Members who were not able to start with the group in Wichita joined at various points during the tour. All members were present for the last four meetings. Representative Francis Gordon joined the Committee at Holton and attended the last four meetings as an observer.

Garden City Meeting

The meeting was held at the Co-op Community Building in Garden City, at 2:30 p.m., September 22. Approximately seventy persons were in attendance.* A number of them asked to make statements.**

Representative Keith Farrar presented arguments against legislation on soil erosion and sediment control; he expressed the view that such legislation constituted unnecessary governmental regulation. More people will be added to the payroll and a billion and a half dollars will be needed for the program, he argued. Other opponents of S.B. 12 questioned the need for legislation in light of existing soil conservation programs, particularly in light of the alleged costs involved in implementing a mandatory state-wide sediment control program. Opponents wanted to retain a voluntary program.

Based upon suggestions and comments from conservation districts, the Kansas Association of Conservation Districts Board of Directors had prepared a state policy for erosion and sediment control. Members of the Association were present at each of the meetings and presented their policy recommendation which was as follows:

- "1. State legislation on erosion-sedimentation be enacted during 1976 with a later but reasonable district enforcement date. The proposed bill will:
 - a. Include all land under provisions of sediment abatement law - rural, urban, private and public.
 - b. Give leadership and control to Conservation District Boards.
 - c. Hold landowners responsible for sediment but provide that persons having and following approved conservation plans are in compliance with law.

* Names of those persons who registered at each meeting place are on file in the Research Department.

** For those who had prepared written statements see attachments which are identified by each particular meeting place.

- d. Recommend public cost sharing on permanent land treatment practices (as determined by districts) at levels of 75 percent of actual costs.
 - e. Incorporate a local appeal procedure to settle disagreements and to modify plans.
 - f. Assign Kansas Conservation Commission leadership for the erosion-sediment abatement program at state level.
 - g. Resolve that sedimentation caused by "acts of nature" (floods, downpours, long period of draught) are the responsibility of all citizens.
 - h. Provide for enforcement, including penalties.
2. Continuation of a voluntary conservation program at district level for a reasonable length of time to permit individuals to get conservation plans and practices established before being faced with complaints or penalties for excess soil loss. During the time KACD would:
 - a. Give strong educational emphasis for managing land to reduce erosion and sedimentation.
 - b. Stress importance of updating farm conservation plans, and making progress toward completion.
 - c. Encourage application of conservation techniques on construction sites and road grading projects.
 - d. Seek long-term contracts (like Great Plains Program and Long-Term Agreements) in getting orderly conservation practices on agricultural lands.
3. Revision of the National Water Quality Law goals. Two features need to be changed:
 - a. Zero discharge of pollutants from nonpoint sources into navigable waters of the United States should be extended to a more reasonable rate.

- b. Timetable for bringing nonpoint pollution under control by 1985 is unrealistic. A more gradual approach is needed."

These policy recommendations were presented either orally or in a written statement at all subsequent meetings.

Although no one in attendance at Garden City spoke for adoption of S.B. 12 in its present form, conferees representing conservation districts recommended S.B. 12 be adopted with amendments. A question was raised concerning the appeal period after a violation is alleged by the local district. It was argued that the appeal period should be extended from 15 to 30 days to allow adequate time for making an appeal during peak work periods such as harvest. Also, S.B. 12 contains no provision for natural disasters. Various conferees contended that individual farmers should not be held liable for damage resulting from soil erosion which occurred as a result of a natural disaster. It was also argued that a formula for financial assistance must be included in the law. (A general consensus was that 75 percent federal or state cost-sharing would be needed.) If not, the farmer could be put in the position of having to foot the bill for required conservation practices. Local control was an essential ingredient for those supporting S.B. 12 with amendments; in fact, some urged that any control by the State Conservation Commission be eliminated. One conferee contended that standards for soil erosion are set forth in the law, and he proposed that a minimal discharge rate be set in the law.

One recommendation was that any farmer actively engaged in an erosion control program be considered in compliance with the law, i.e., farm plans should not be required of all farms. As for violations, a conferee suggested that a complaint be required (as in the Iowa law and under the wind erosion statutes in Kansas) to be filed against the person whose land is subject to erosion.

A conferee asked that consideration be given to revising the federal law. Concern was expressed about the many programs now mandated by Washington and the violations of personal freedoms that might occur. Why was S.B. 12 necessary, one conferee asked? In reply, it was explained that the 1972 amendments to the Federal Water Pollution Control Act (PL 92-500) set goals for controlling sediment. Although PL 92-500 does not contain penalty provisions or authorize federal enforcement, it was generally agreed that a state plan was required and S.B. 12 would be partial response to that requirement. One conferee contended that sediment control involves more than maintaining water quality; preservation of soil for future generations is an important goal.

A more flexible and realistic time-table for implementation of any legislation would be necessary, a conferee argued. The shortage of conservation contractors is one of the problems in this area.

Various conferees representing conservation districts presented the Committee with surveys of the opinions of farmers on conservation. These surveys were taken after the education meetings conducted by the Extension Division of Kansas State University. The surveys show that a majority of those polled supported a national law requiring states to clean up the air and water. (Copies of surveys which were presented at each of the meetings are included with attached statements.)

At the conclusion of the meeting the Chairman summarized the various points in S.B. 12 on which there was consensus that changes are necessary. Those points were:

1. A provision whereby the landowner would not be considered out in compliance for erosion resulting from natural disasters (i.e., provide for Acts of God).
2. A provision for hardship cases be added.
3. A reduction in the penalty provisions be provided.
4. A 75% cost sharing provision be added for conservation projects on agricultural land.
5. Adoption of a provision for complaints to be filed against farmers in violation of the law.
6. Extension of the appeal period from 15 to 30 days.

A poll of those in attendance indicated that no one favored S.B. 12 in its present form. If the six changes listed above were included in a bill, a minority would favor passage of such legislation.

Hays Meeting

8:00 p.m. - September 22

Approximately seventy persons were in attendance at the Hays meeting. Most of the issues raised at the Garden City meeting

were again raised by those persons who presented testimony at the Hays meeting held at the auditorium of the Fort Hays Branch Experimental Station.

One representative of a conservation district stated that society must assume some of the cost of erosion control, local control of programs must be maintained with state guidance, and differences in soil and climate must be taken into account in developing guidelines for the state. S.B. 12 was generally supported on the condition that various amendments would be made, including reduction in the penalty provisions, excluding erosion caused by natural disasters, inclusion of a specific cost-sharing formula, extension of timetables for implementing the law, and adding a provision which would exclude farmers engaged in conservation programs from the requirement of developing a farm plan.

At Hays various conferees complained of the lack of funds under present federal programs to meet existing needs. Also, it was argued that the shortage of contractors had been caused by the uncertain availability of federal funds.

One conferee argued that unless provision is made for hardship cases, many elderly persons dependent on income from a rented property would be put in an impossible circumstance. Also, one conferee argued that the conservation districts should not be excluded from considering the requirements for state-owned land. A question was raised as to how matters would be handled in the small towns in the counties. It was suggested that the bill be more specific on how the division of authority over towns and rural areas should be set-up.

Some conferees insisted on leaving conservation to local communities without mandatory control. One conferee argued that education should be used to push conservation, not mandatory legislation. He contended that if the farmers are allowed to make money, they will take care of the land.

In a discussion of the penalty provision in any legislation, one conferee stated that he heard that in South Dakota they were considering a provision whereby a farmer would be prevented from farming land if he could not get sediment loss under control.

In the poll of those in attendance, none favored S.B. 12 in its present form. However, a large portion would support such a bill if the amendments listed from the Garden City meeting were included. One person suggested that the reason for the way people were voting is that no one knows what the EPA is going to do, so they were prepared to move in the direction of erosion control so federal regulations will not be imposed on them.

Holton Meeting

2:30 p.m. - September 23

As at the earlier meeting, approximately sixty persons attended the Holton meeting which was held at the Jackson County Fair Building. Issues raised at earlier meetings were again heard.

S.B. 12 was supported by some persons who presented testimony but only if certain amendments were adopted. Supporters argued that such legislation would close the gap in conservation practices which has not been closed by voluntary action. Although it was stated by these conferees that few individuals abuse the land, they insisted that the law should have teeth to assure that proper conservation measures are followed on all land. Local authorities could, under the proposed legislation, force those who ignore local appeals (out of state landowners, trustees of estates, mines, oil company officials, etc.) not to abuse or misuse the land.

A speaker who argued against S.B. 12 admitted that compulsory conservation is an idea whose time has arrived. However, he suggested that the power of compulsion be given to the conservation districts. The State Commission should not have a veto over the districts which would remain sovereign in conservation management. An annual review of district progress should be undertaken by the State Commission. He also suggested that the law be terminated in five years with a provision for a look at progress before imposing a new law charting a new course. He will urge officers in his conservation district not to serve if a bill like S.B. 12 becomes law. Others argued against compulsory measures, stating that farmers would not tolerate such control. Representative Glee Jones expressed the view that the bill is unnecessary.

A representative of the Kansas Land Improvement Contractors Association stated that penalties should not be considered until the cost-sharing provisions are set out in the law. He also thought that too much "red tape" would result from implementing the present bill, and the "permit and regulation system" would discourage contractors and force them out of the conservation contracting business. Instead, he recommended that an incentive or promotional plan be adopted rather than a mandatory system.

Those who supported mandatory legislation suggested amendments to S.B. 12 similar to those presented at earlier meetings. They emphasized local control, cost-sharing, exclusion of erosion resulting from extreme acts of nature, reduction of penalties, and provision for hardship cases. A strong educational program in the transition from voluntary to compulsory measures is necessary,

conservationists argued. Long-term contracts, like the Great Plains Program or LTA agreements, should be extended.

Representatives of conservation districts do not want to delay passage of a bill because implementation of any legislation will require five years, one conservationist stated. A law is necessary to encourage good farming practice and discourage bad farming practices so the land is preserved for future generations.

One conferee argued that disaster payments should not be allowed to farmers who are not involved in a conservation program.

Again the audience was polled on these issues: (1) 75% cost-sharing; (2) exempt compliance when erosion results from natural disasters; (3) reduce penalty; (4) exempt hardship cases; (5) change appeal period from 15 to 30 days; and (6) implement complaint system by local farmer or local public body.

None of those present supported S.B. 12 in its present form. A small minority would support S.B. 12 if the six amendments were implemented, and a near majority still opposed the bill if it contained those changes.

Olathe Meetings
8:00 p.m. - September 23

Approximately seventy persons attended the meeting. Issues were again developed which had been presented at earlier meetings. The recommendations of the Kansas Association of Conservation Districts were presented to the Committee and endorsed by the Franklin County Soil Conservation District.

Other representatives of conservation districts presented testimony supporting S.B. 12 with the following amendments:

1. Inclusion of 75% cost-sharing.
2. Reduction of penalties.
3. Exemption of those presently conforming to conservation programs.
4. Establish reasonable goals.
5. Keep local control of the program.
6. Exempt hardship cases.

An engineer stated that there were problems with S.B. 12 as it would apply to urban centers. First, it would be very costly to developers. Second, it does not contain defined standards for compliance. Finally, the SCS offices in urban counties do not have staff to implement such a law in those counties.

It was revealed that the Mid-America Regional Council is involved in coordinating an effort to develop a "Model Erosion and Sediment Control Ordinance" for cities in the metropolitan Kansas City area. The chairman of the Mid-America Association of Conservation Districts described the effort.

The eight-county Mid-America Association of Conservation Districts, Mid-America Regional Council, representatives of engineers in private practice, representatives of the home builder association, city representatives and Soil Conservation Service representatives are working on a "Model Erosion and Sediment Control Ordinance" that could be adopted by any local unit of government within or outside of the Kansas City metropolitan area. Workshop meetings are presently being held to iron out details and wording to make the model ordinance workable and acceptable to all groups involved. According to the testimony:

"The 'Model Ordinance' would require that an erosion and sediment control plan be submitted and approved before a building permit would be issued for development within a city. The preliminary draft excludes agricultural land and developments of less than five acres.

"Conservation districts would have the responsibility to review and comment on all development plans falling within ordinance requirements. Developers would have the option to use any structural or vegetative practice or combination of practices that would prevent excessive soil loss from a development area.

"Intentions are to develop a workable ordinance that the Mid-America Regional Council can endorse and recommend to units of government within the Metropolitan Kansas City area. The Mid-America Regional Council is a voluntary association of local governments in the Kansas City Metropolitan Area."

The Committee working on this new ordinance requested that the Committee delay consideration of S.B. 12 until the ordinance is available.

Strong opposition was voiced against S.B. 12 by some conferees. One speaker, representing the Waukarusa Watershed and the Wabaunsee County Board of Supervisors, wanted legislation to protect organized watersheds from the EPA. According to the conferee the Kansas Fish and Game Commission is coming in and changing the program which has already been contracted by the Soil Conservation Service, consequently, he expressed extreme frustration with bureaucrats. If S.B. 12 passes, three-fourths of the local Board members will resign, he told the Committee. The bill will create another bureaucracy (a new advisory board) when we do not know who is in control of conservation, (the water people or the agricultural people, etc.). This bill has too many mistakes in it, he continued. The supervisors at the local level have been working out in the field since 1937 and will continue to do so, but S.B. 12 will not work and he suggested in the strongest terms that the Committee not pass the bill. "Put it off for another year", he suggested, "and study it more." "I would prefer to continue on as we are", he recommended.

A conferee representing a city argued that city planning commissions can solve these problems for urban centers.

In the poll of the audience, no one supported S.B. 12 in its present form. A small minority would support the bill with the six amendments noted from earlier meetings, and a majority still opposed it. Each of the separate six items were then raised for inclusion in the bill and a majority supported their inclusion under those conditions, however, the number voting on these items was quite small.

Chanute Meeting

10:00 a.m. - September 24

Over 150 persons attended the Chanute meeting which was held in the Auditorium of the Neosho County Community College. Again, the recommendations of the Kansas Association of Conservation Districts were presented to the Committee. Issues raised at earlier meetings were again raised by those who presented testimony on S.B. 12.

Those persons supporting some type of legislation recommended particular changes in S.B. 12. One conferee stated that a cost-sharing formula was needed in the law and that the penalty provisions are excessive. He also argued that legislation not be made compulsory and more authority should be at the local level for implementation of the law.

A conferee favoring S.B. 12 insisted that voluntary measures would not work, but he allowed that amendments to S.B. 12 were necessary. He stated that he would rather not see a penalty provision, and he noted that eventually the district supervisors will have to be elected by the public at large.

The representative of a conservation district expressed concern about the level of cost sharing and finances. He stated that a survey of land ownership would show that most agricultural land not under conservation treatment is owned by retired owners using the land for retirement income or heirs of the farmer who once owned the land. Requirements for compliance with the law state that exceptions can be granted agricultural landowners if cost sharing funds are not available. If the level of cost sharing is set too low a situation could develop which could be financially disastrous for persons greatly dependent on rental income from farm land. It is his opinion that a level of 75% cost-sharing is necessary to protect the absentee landowner. According to the conferee, most of the land owned by active farmers is under a conservation program. Most land owned by absentee landowners is not under a conservation plan because the rental income is simply insufficient to justify an unassisted conservation program. Present programs have not been sufficiently funded to fill the gap.

A second concern with S.B. 12 dealt with finances. Miami County is rapidly being urbanized, thus under S.B. 12 the Conservation District Board will be dealing with construction of industrial and residential developments and related earth movement. The conferees stated that in that situation the legal and technical requirements to meet the level of inspection and enforcement will most certainly exceed present staff capabilities. Under present staffing technical help cannot be provided. Without provisions for raising more funds to hire legal and technical help, the requirement of S.B. 12 cannot be met.

A representative from another conservation district took exception to various provisions in S.B. 12. He stated that the method of establishing an advisory board on the state level will not allow adequate representation by people in agri-business. He also urged that reasonable limits be placed on emissions from all areas consistent with the makeup of that particular district (i.e., perhaps three to five tons per acre for his own area). A reasonable formula for cost-sharing should also be included. Finally, he stated that landowners with land in more than one district should not be required to have their plan reviewed directly by the state commission. Such a provision by-passes local control.

During the course of the meeting there was discussion of the necessity for Kansas to enact legislation. Dr. Wilber Ringler explained that although state legislation is not mandated, a state

plan for soil abatement is required by the EPA under PL 92-500. It is not clear whether the requirement for a state plan means that legislation is necessary, Ringler concluded.

Strong opposition to S.B. 12 surfaced at the Chanute meeting. One conferee stated that the minute you tell a landowner what he has to do on his own farm, he will probably spend more time and effort protecting his land rights than it would take to get his land in compliance.

A letter was presented and placed in the record which protested that since the landowner pays taxes on his land, he should have a right to determine what is done with it. Others insisted that farmers are doing terracing voluntarily and the delays in this activity are, in part, the result of an insufficient number of contractors. One conferee opposed the bill because it would force his elderly neighbors, who could not afford conservation work, into conservation. If you are going to force them, he went on, the government should pay the bill. But, he suggested, we should put off such legislation and in the future younger people will take over these farms and they will engage in conservation practices.

A substantial amount of the opposition to S.B. 12 was from persons who wanted less government meddling in their lives. They characterized such legislation as providing "Big Brother" programs in Kansas. One speaker argued that the state should be trying to get the federal government to fund existing SCS programs adequately rather than passing this legislation.

In a poll of the audience, no one supported S.B. 12 in its present form. A vast majority would prefer no bill at all; a minority did want some type of bill. With the six amendments noted at earlier meetings, a majority still would oppose S.B. 12. In a consideration of each of the six provisions individually, a majority supported inclusion of those six items, if a bill passed. Very few opposed inclusion of the amendments.

On the evening of September 24, Committee members gathered informally in a meeting room of the Broadview Hotel in Wichita to discuss the testimony received so far by the Committee, and the direction the Committee might take in future consideration of S.B. 12. After considerable discussion of the necessity for state legislation in light of EPA guidelines, Chairman Moore was directed to write or call the EPA in Washington to get clarification of what the state's responsibility is on non-point source pollution.

In considering other issues, one member suggested that the Committee think about the planning phase and determine who should have responsibility for erosion control -- the Department of Health and Environment or the State Conservation Commission. Another member

wanted the provision for an advisory committee deleted from the bill. A member insisted that some planning and guidelines be set down for an erosion and sediment control program. Finally, one member suggested that they should wait and not push for legislation until it was needed. It was agreed to consider these issues again when the Committee meets for their October meeting.

Wichita Meeting

9:30 a.m., September 25

Approximately eighty persons were present at the Wichita hearing held at the Broadview Motor Hotel. As at previous meetings diverse views were expressed on the issue of mandatory soil erosion and sediment control.

Various speakers supported legislation but felt that portions of S.B. 12 were not acceptable. One of them suggested that changes be made in the penalty provisions, that 75% cost-sharing be made available "on a steady and sound long-term basis," and the timetable for implementing the law be made more realistic. One speaker suggested that four years of voluntary compliance be provided to assure the success of the program. The representative of a conservation district board of supervisors expressed the view that in light of federal legislation passed in 1972, S.B. 12 is necessary and a good bill. Another speaker wanted "land-disturbing" activity better defined in the bill. State guidelines should be set out in the bill, was another recommendation.

Various speakers expressed the view that farmers presently involved in conservation programs should be considered as in compliance with the law thus not requiring a new farm plan from them. The need for a specific cost-sharing formula set out in the bill was generally conceded. One speaker stated that mandatory control was needed over those persons who do not take care of terraces which have already been put on a farm with partial public funding.

A speaker who supported the Task Force report recommended changes such as adding a cost-sharing formula, exempting hardship cases, setting out a minimum erosion standard, and providing ample time and personnel for implementing the law. She also presented a novel approach for funding the program, a local and state tax for an erosion and sediment control program. The formula for funding would be 30% from the county, 30% from the state, and 40% from the individual. Another speaker defended state aid for erosion control by referring to the example of Iowa.

A number of speakers who supported some type of legislation pointed to the sediment loads deposited in road ditches as proof that action should be taken now. One speaker stated that the number of persons required for road work would be reduced if land were treated. A representative of the Metropolitan Planning Department expressed general support of the bill, stating that there are not adequate regulations to control homebuilders.

A speaker, representing a planning agency, expressed concern that provisions in S.B. 12 as they relate to urban-oriented areas are explicit, while provisions for rural areas are nebulous. Also, he was concerned over the regulatory relationship between incorporated areas, fringe areas and rural areas. He anticipates the fractionalization of governmental responsibility under the bill as presently written.

Opposition to S.B. 12 came from many sources. A real estate appraiser, representing home builders, argued that the requirement of the issuance of permits for grading and other activities would have a detrimental effect on real estate development. He also noted that additional controls would require an increase in paperwork and personnel. Sediment control is being adequately handled, he insisted.

A county assessor and former conservation district supervisor agreed and stated that education is the way to go, not putting people in jail.

A farmer concluded that penalties were too severe and the timetable too restrictive. He recommended that more time was needed to study the bill.

Others opposed the bill because it imposed additional regulations and costs, and it would require more time to implement conservation practices than is required under present conservation programs. A representative of the construction industry insisted that S.B. 12 is discriminatory in that it provides that farming activity will not be in violation if financial assistance is not available, however, no such exemption is provided for any other industry. Also, the time required in obtaining the approval of a plan before obtaining a permit would further delay building activity. He also noted that the penalties are an unreasonable violation of a citizen's right to life and liberty.

Other speakers expressed the view that government interference is a greater hindrance than a help to conservation.

The poll at the conclusion of the Wichita meeting revealed no supporters of S.B. 12 in its present form. Approximately a half wanted no bill at all; the other half wanted some type of legislation.

If the six points, referred to in earlier meetings, were amended into S.B. 12, approximately one-third would support the bill; and about one-half would still oppose the bill. In consideration of the individual items or amendments (assuming a bill passes), a majority supported the amendments; no opposition to any of these individual items was expressed.

Prepared by Ramon Powers

Approved by Committee on:

10-22-75

Date

Garden City

REMARKS BY REPRESENTATIVE KEITH FARRAR
TO THE
SPECIAL COMMITTEE ON ENERGY AND NATURAL RESOURCES
GARDEN CITY, KANSAS
SEPTEMBER 22, 1975

Mr. Chairman, and members of the committee:

I appreciate the opportunity to express my concerns to you about Senate Bill 12.

Frankly, I do not see the need for this proposed legislation.

The constitution guarantees the right of citizens to own property. I feel this bill will infringe on these rights. Whoever controls land use, controls land value.

Mr. Chairman, I hope that during the meeting today, I will hear the answers to many questions I have about this bill.

1. As a start, why should the conservation district be given the power to "fix, assess and collect reasonable fees," for inspections on my land, when I don't want them there in the first place; or make me liable for a fine or imprisonment if I fail to submit or follow an approved conservation plan?

2. How many people will we be adding^{ed} to the payroll to approve and monitor all of these plans? Will the citizens paying the bill receive their moneys worth?

3. Why not include a provision within the bill for urban homeowners, shopping centers, industrial sites, etc., to provide a means to hold all the rainfall that lands on their property? Percentage wise, we probably have more fertilizer runoff from cities than we do from farms.

4. How much has it cost to "educate the public" on the need for an erosion and sediment control law?

5. Where do we find the billion and one half dollars it has been estimated to cost just to prevent rural and agricultural runoff?

6. Finally, what guarantees do we have that the approved plans will not have to be changed to meet new state and federal guidelines? Example - approximately 20 years ago the conservation district where I live, in drawing an irrigation plan for my neighbor, claimed better than 20 acres of his half section was wasteland and should be seeded to grass. Also, another 100 odd acres would never be irrigated, because the ground had too much slope and therefore there was no need to make a topography map of that portion of his farm.

Since that time my neighbor, not knowing any better, has been producing 100 bushel of milo, good alfalfa, and better than 120 bushel of corn, on the above mentioned land. If this bill had been in effect, look at the loss to the farmer, and the local economy, also --- he would have been eligible for fines and imprisonment. We cannot afford this bill.

I fly over this state many times during the year from Hugoton to Topeka, and I would say that the farmers, as a whole, are doing a good job of conservation. It just makes sense to be a good steward of the land --- if you are not, you will see the results on your profit and loss statement by the end of the year.

In conclusion, I hope the committee will not recommend Senate Bill 12 favorably for passage. I feel it would establish a huge

Garden City
September 22, 1975
PAGE THREE

bureaucracy, not answerable to the public, with tremendous powers. Mr. Chairman, I am at a loss to offer amendments in an effort to improve this bill. If we were debating this bill on the floor of the House in Topeka, I would move to strike the enacting clause, something I haven't done since being elected to the legislature.

Sincerely,



KEITH FARRAR
Representative
124th District

KF:jf

September 22, 1975

THE GREATER SOUTHWEST REGIONAL PLANNING COMMISSION

Comments
on

Proposed Legislation on Erosion and Sediment Control, Senate
Bill 12

At a regular meeting of the Greater Southwest Regional Planning Commission held in Tribune on Sept. 10, 1975, the following points were made concerning Senate Bill 12.

1. Redefine the "Conservation Plan" with as much specificity as possible.
2. Reconsider liability penalties, and make provisions for hardship cases.
3. Define a more detailed financial plan to implement the intent of the Bill, especially spell out the local match involved.
4. Provide a more realistic and flexible time table of implementation.
- 5.*

The Greater Southwest Regional Planning Commission recommends that these modifications to the Bill be seriously considered, and further recommends that the intent of the Bill be carried out through the local Soil Conservation Districts. The Greater Southwest Regional Planning Commission will work cooperatively with these local Soil Conservation Districts in this regard.

- * Distinguish between normal farm operations and natural disasters.



Scott County Conservation District

Box 429 - Scott City, Kansas 67871 - Phone: (316) 872-3530

September 22, 1975

Grandview City

TO: SPECIAL COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBJECT: EROSION AND SEDIMENT CONTROL LEGISLATION

The Scott County Conservation District board of supervisors believes conservation practices are the solution to erosion and sedimentation. If all farms had a conservation plan as recommended by the Soil Conservation Service, erosion and sediment would cease to be a problem.

We support legislation which would complete the conservation program in Kansas. We support this legislation for these reasons:

1. National water pollution laws are demanding that each state enact regulations to bring soil erosion under control.
2. Because some landowners refuse to practice good conservation and abuse their land, some means is needed to get practices on that land to stop erosion there. Senate Bill 12 provides authority to do that.
3. Conservation districts on the local level and the State Conservation Commission on the state level have provided the leadership necessary to get conservation practices on the land and to handle difficult conservation programs. We believe the two agencies

should be given the responsibility to handle the conservation program Senate Bill 12 calls for.

4. We believe the most workable program can come from those who will be directly affected, the farmer. Senate Bill 12 allows the local people in each county or district to plan the program which best fits their problems and needs. Working through local leadership, we believe, is the best way to accomplish this.

We believe consideration should be given to some amendments to the bill. We contacted the 24 counties of Southwest Kansas to get their comments about cost-sharing. In all instances the reply came back that cost-sharing should be provided at the 70% to 80% level. We suggest the bill spell out the cost-sharing at 75% for conservation practices on farm land.

Landowners should be protected from being held liable for violation resulting from acts of God, (Excessive rain, wind, etc.) The liability penalties should be softened and provision made for hardship cases.

We believe the intent of the bill is good and with a few amendments should be adopted by the legislature.

Clyde Schinnerer

Clyde Schinnerer, Chairman
Scott County Board of Supervisors
Scott County Conservation District



P.O. BOX 98 MEADE, KANSAS 67864

*Meade
County*

Garden City

September 22, 1975

Report to Legislative hearing held in Garden City, Ks., Sept. 22, 1975.
By Meade County Conservation District.

The Meade County Erosion and Sedimentation Committee held five (5) meetings in the county since January. These meetings were held in all three towns, Meade, Fowler, and Plains. The slide presentation from the extension service was shown at each meeting. Opinion surveys were completed by the people who attended those meetings. The results of this survey is enclosed.

Following the final meeting, the Committee met and discussed the results of the meetings. The Committee felt that the following items should be passed on to the Area and State committees for their consideration.

If a state law is enacted, these points should be considered:

- 1) Many expressed the opinion that consideration should be given to re-direct or revise the Federal law concerning sediment control programs before state legislation is drafted. It was expressed that we are getting too many mandates from Washington, and that personal freedoms are being violated.
- 2) Due to the unfavorable economic situation facing farmers today, the cost share for conservation practices should be spelled out in the law i.e. who will provide cost share funds and what per cent.
- (3) The committee felt that local control is essential, with the Conservation District as the logical agency. This is also the opinion of the people contacted. See opinion sheet.
- 4) It was noted that in Fact Sheet 10 published by the State Advisory Committee that the information for Meade County should be updated.

Cropland adequately treated is presently 117,114 acres with 227,371 acres needing treatment. Pasture-Rangeland adequately treated is presently 108,561 with 154,977 acres needing treatment. These figures reflect that additional land has received proper treatment since 1968 when the report was written. *approx 60% of Meade Co. land has been adequately treated.*

- 5) That present programs to control erosion and sedimentation, such as the ACP program and the Great Plains Conservation program should continue to be funded by the federal government.



P.O. BOX 98 MEADE, KANSAS 67864

Pg. 2

- (6) The time table set by the National Law is impractical. Due to the shortage of contractors to install conservation structures etc.
- (7) To attain zero pollution is impossible. A minimum allowable discharge rate for sediment should be established and spelled out in any laws.
- (8) Proposed penalties are excessive. No penalties should be applied to farmers who have made application for corrective practices to be done and then must wait for contractors to do the work.

Roy Seybert, Chairman
Meade County Conservation District

Encl.



a Conservation Concern

SUMMARY OF SURVEY IN MEADE COUNTY, KANSAS

Your Opinion, Please

1. My reaction to the national law requiring all states to clean up the air and water for a better environment is:

- 78% Favorable
- 20% Unfavorable
- 2% No Opinion

Comments: _____

2. In my county, I believe that sedimentation, caused by wind and water erosion, is a:

- 27% Minor Problem
- 57% Moderate Problem
- 16% Major Problem

Comments: _____

3. In my county, I believe sedimentation can be controlled by:

- 31% Voluntary Action
- 11% Some State Regulation
- 58% Combination of Both

Comments: _____

4. Which of the following alternatives for citizen action do you favor:

- 31% Continue the present voluntary soil and water conservation programs, and accept the provisions of the National Water Quality Act when imposed.
- 52% Approve Kansas Task Force recommendations for strengthening the present conservation district law in order to get greater participation in sediment control programs.
- 17% Work for partial revision or complete redirection of the National Water Quality Act before designing state sediment control programs.

(Continued on back)

I live in Meade county, and am a --

(Check all that apply)

<input checked="" type="checkbox"/> 11 Landowner	<input checked="" type="checkbox"/> 21 City Dweller
<input checked="" type="checkbox"/> 31 Farm Operator	<input checked="" type="checkbox"/> 9 Ag-business owner or operator
<input checked="" type="checkbox"/> 23 Rural Resident	<input checked="" type="checkbox"/> 1 Realtor, land developer, or contractor

5. If a sediment abatement law is drafted, should the following provisions be included:

a. Give leadership and control to present Conservation Districts.

90% Agree 6% Disagree 4% No Opinion

Comments: _____

b. Provide that persons following approved conservation plans (on farms, building sites, etc.) are in compliance with the law.

90% Agree 16% Disagree 6% No Opinion

Comments: _____

c. Place limitations on land disturbing activities that cause excessive soil losses and sedimentation problems (like row crops up and down hill, leaving land unprotected during long periods of construction, etc.).

76% Agree 16% Disagree 8% No Opinion

Comments: _____

d. Authorize Kansas Conservation Commission to set state guidelines for controlling erosion and sedimentation from land disturbing activities.

68% Agree 22% Disagree 10% No Opinion

Comments: _____

e. Recommend cost-sharing from federal and/or state funds on land treatment practices.

86% Agree 11% Disagree No Opinion

Comments: _____

f. Establish local appeal procedure to settle disagreements and to modify approved plans.

96% Agree Disagree 4% No Opinion

Comments: _____

Publication of Education Committee: Chairman, Wilber Ringler, Assistant Director of Agricultural Production Programs, KSU; John Blythe, Farm Bureau, Manhattan; Lester Branson, ASCS, Manhattan; Jack Burke, State Leader, Radio-TV-Films, KSU; Richard Cunningham, League of Municipalities, Topeka; Barry Flinchbaugh, Extension Economist, KSU; Robert Paris, State Association of Conservation Districts, Dighton; Fred Parris, Extension Editor, News, KSU; Donald Robertson, Soil Conservation Service, Salina; Joan Snyder, League of Women Voters, Salina; John Spurling, State Conservation Commission, Fort Scott; Rosalie Thompson, Tuttle Creek Development, Manhattan; Leo Wendling, Extension Engineer, KSU.

Cooperative Extension Service • Kansas State University • Manhattan

MF-385

November 1974

Issued in furtherance of Cooperative Extension work, acts of May 8 and June 30, 1914, in cooperation with U. S. Department of Agriculture. Robert A. Bohannon, Director of Extension, Kansas State University of Agriculture and Applied Science. Available to all individuals without discrimination on the basis of race, color, national origin, sex, or religion.

11-74--10M

Garden City

THE SOUTHWEST KANSAS IRRIGATION ASSOCIATION

ULYSSES, KANSAS

STATEMENT BY: Dale Williams, chairman

Water Committee

Subject: Senate Bill 12 Soil Erosion and Sedimentation Control

Special Committee Hearing, Garden City Coop Center, Sept. 22, 1975

Mr. Chairman, committee members, and research staff members:

First, I welcome all of you to productive and progressive Southwest Kansas where living and breathing are still simple and easy compared to our neighbors in the eastern half of Kansas. I suppose our "Dust Bowl to Breadbasket" success story can serve as a model to the remainder of the state in developing once barren wastelands into a very productive area for our state and the nation. The key to our success has been individual initiative, pride, and vision on the part of the agricultural community of this area. The stepping stones to productivity have been wise conservation practice and water quality control. These are certainly integral parts of irrigation farming. Let me again emphasize that "individual initiative and pride" are essential parts of agricultural productivity here. It is our hope that you will make those points a prevailing consideration in development of a state soil erosion and sedimentation control law.

However, it has taken a tremendous investment in money and physical effort to bring about this very economically important part of the state's agricultural productivity. Certainly, from your own research into conservation program costs, you can realize how much it has taken in the past 45 years to make this area productive. Add to that the considerable investment in machinery, equipment,

and materials each year to produce a crop and you realize how deeply the Southwest Kansas agricultural producer is committed to providing for the well-being of our country.

In view of our experiences here, we are very disturbed by the present appearance of Senate Bill 12. We have heard much about the intent of the state conservation commission as the administrator of this law; however, it is not reflected anywhere in the wording of the law.

As an example, we hear that farming programs that fit within the guidelines of Public Law 92-500 will not require permits. However, submission of a farm plan and its approval is a permit program and exceeds the requirement of non-point control. To make an identification of a non-point pollution problem, to find a solution to that problem, and then to implement correction hardly necessitates a permit requirement to operate. No legislation that goes beyond what is needed to qualify Kansas and what can reasonably be implemented is necessary. Gentlemen, you and I realize that the cost of implementation is going to be critical and is of yet indefinite. Presently there has been no identification made nor guidelines established for non-point pollution control programs. Until these have been done, legislation should not be implemented. We should have positive and known factors with provisions for correction and addition to the law as they are needed or required. To legislate a comprehensive program without guidelines and standards could affect an unrealistic and burdensome program.

Senate Bill 12 would establish the state conservation commission as the administrating agency and yet we know that the requirements of Public Law 92-500 will far exceed the capability of a single agency to administrate. It is even more confusing to us on what we are getting ourselves into in view of another peice of proposed legislation

currently being studied in Kansas. I refer to the proposed reorganization of the State Department of Agriculture. That proposal would abolish the state conservation commission. Does the left hand of government know what the right hand is doing? Aren't you proposing to hand this commission an awesome administrative responsibility and then at the same time abolish that commission?

What is more reasonable, we feel, would be to have an agency serve as a clearing house of technology, research and planning that would involve all local entities and their particular expertise and authority in a cooperative, volunteer program with minimum regulatory requirements. The western third of Kansas presently is involved in the process of forming groundwater management districts. We feel very dependent on these agencies to be able to give input into such a volunteer program. Groundwater management districts would have the expertise and authority in safeguarding the integrity of water quality.

Let me conclude by simply saying we believe too much emphasis is being put into a law that can only make conservation efforts more confusing and unrealistic. Also, with our past experience with costs of conservation programs we have initiated, we believe an equitable cost-share formula should be a part of the law.

We have also found in our past experiences with conservation program costs that there is a point where the cost exceeds the benefits to be realized. We would be particularly interested in cost-benefit ratios being established.

Gardner

REACTION TO PROPOSED LEGISLATION -- SENATE BILL #12

Prepared by Board of Directors,
Kansas Association of Conservation Districts

Over 500 members of the Kansas Association of Conservation Districts have studied, discussed, and debated alternatives to the soil erosion-sedimentation issue. Last fall and winter, armed with fact sheets and a slide-tape presentation prepared by Kansas State University, they talked and held meetings to find out what action might be feasible from a farmer-landowner viewpoint. Here's what they found out.

Cost sharing, the practice of the government paying the initial cost of a conservation practice (terraces, waterways, diversion ditches, ponds), is probably the most important aspect of a state sediment control policy. District Conservation Supervisors report that conservation practices are usually established on land on a voluntary basis at a rate that will utilize available federal cost-share funds. Two years ago when cost sharing money was withheld it virtually stopped all conservation construction projects. An adequate cost-share program is mandatory for sediment abatement.

Local control is another essential condition of a stepped-up conservation program. Each county has unique erosion-sedimentation problems that can best be solved by local people. Once the problem is locally recognized and defined, people usually work together in seeking an acceptable solution. Local control with state guidance is the key.

Flexibility in program implementation is also essential. The sediment abatement effort must be tailored to fit county or community needs. Soils, rainfall, and cropping patterns are greatly different from one part of the state to another. A conservation program must accomodate these differences.

These are general overall priorities that our members feel should be incorporated into the Kansas sediment abatement policy.

Based upon suggestions and comments from conservation districts, the KACD Board of Directors put together a state policy for erosion and sediment control.

The policy requests action along three separate lines:

(1) State legislation on erosion-sedimentation be enacted during 1976 with a later but reasonable district enforcement date. The proposed bill will:

- (a) Include all land under provisions of sediment abatement law--rural, urban, private, and public.
- (b) Give leadership and control to Conservation District Boards.
- (c) Hold landowners responsible for sediment but provide that persons having and following approved conservation plans are in compliance with law.
- (d) Recommend public cost sharing on permanent land treatment practices (as determined by districts) at levels of 75 percent of actual costs.
- (e) Incorporate a local appeal procedure to settle disagreements and to modify plans.
- (f) Assign Kansas Conservation Commission leadership of the erosion-sediment abatement program at state level.
- (g) Resolve that sedimentation caused by "acts of nature" (floods, downpours, long periods of drought) are the responsibility of all citizens.
- (h) Provide for enforcement, including penalties.

(2) Continuation of a voluntary conservation program at district level for a reasonable length of time to permit individuals to get conservation plans and practices established before being faced with complaints

or penalties for excessive soil loss. During this time KACD would:

- (a) Give strong educational emphasis for managing land to reduce erosion and sedimentation.
 - (b) Stress importance of updating farm conservation plans, and making progress toward completion.
 - (c) Encourage application of conservation techniques on construction sites and road grading projects.
 - (d) Seek long term contracts (like Great Plains Program and Long Term Agreements) in getting orderly conservation practices on agricultural lands.
- (3) Revision of the National Water Quality Law goals. Two features need to be changed:
- (a) Zero discharge of pollutants from nonpoint sources into navigable waters of the United States should be extended to a more reasonable rate.
 - (b) Timetable for bringing nonpoint pollution under control by 1985 is unrealistic. A more gradual approach is needed.

The KACD Board believes that the above policy is workable and will result in more conservation on the land and an effective sediment abatement program to satisfy National Water Quality Laws.

State legislation is an essential first step in implementing our proposed state policy on erosion and sedimentation.

Senate Bill #12 has many desirable features--gives leadership to Conservation District Boards, holds landowners responsible for sediment control, and has a local appeal procedure to settle disagreements.

We believe Senate Bill #12 would be more acceptable to farmers if the penalties for noncompliance were reduced, the provisions for cost sharing clarified and set at the 75 percent level, and that landowners would be excused from sediment that was a result of an act of nature--floods, downpours, and long periods of drought.

Our goal is to have an erosion-sedimentation program that relies heavily on voluntary action by landowners but yet has "teeth" to bring into line those that continue to abuse and misuse land. Senate Bill #12, with amendments, is an essential first step in accomplishing our goal.

J. Wendell Eggerman, Green

Robert A. Paris, Dighton

Robert J. Binder, Hays

Lynn Buerki, Wichita

E. E. Jabes, Derby

*Put this in removal
of Hays*

TO: Kansas Legislature's Special Committee on Energy & Natural Resources
FROM: Rawlins County Conservation District
SUBJECT: Erosion and Sedimentation Control Legislation (S.B. 12)
OCCASION: Public Meeting, Hays, Kansas, September 22, 1975

The Rawlins County Conservation District opposes passage of the Erosion and Sedimentation Control legislation at this time. We feel Kansas should wait until the terminology and areas of responsibility of the Federal Water Pollution Control Act Amendments of 1972 (PL92-500) are more clearly defined.

Since the educational meetings were held last winter the responsibility of the Corps of Engineers has been expanded from "navigable waters" to "waters". This ruling change will challenge the authority of conservation districts trying to implement the proposed Kansas law on creek and river bottom land and could infringe upon entire watershed projects.

Environmental organizations have won a court challenge and the Environmental Protection Agency (EPA) has been ordered not to exclude any point sources of pollution from the permit program regardless of size.

These rulings indicate that the definitions in PL92-500 are too vague and further interpretation is needed. Action by the States to comply with the federal law are uncertain and should be delayed until the definitions and organizational responsibilities are more clearly established at the federal level.

The supervisors of the Rawlins County Conservation District are willing to accept the leadership of the proposed erosion and sedimentation law but feel that all private lands should be controlled within the guidelines of the law at the local level in cooperation but without infringement by federal and state agencies. We do not feel this is possible at this time while the courts are trying to define various points of the federal law.

Meanwhile, we urge continuing and strengthening our present programs. We feel our county has been making satisfactory progress toward controlling the problem. Availability of cost-sharing funds and technical assistance have been our limiting factors.

Respectfully submitted

Rawlins County Conservation District

Robert Martin

Robert Martin, Chairman

I wish to see
Hays leaving
record

9/22/75 - 7:00
ELMER RUSSELL



Stafford County Conservation District

106 West 3rd, Box 96 - St. John, Kansas 67576

Hays

September 17, 1975

The Stafford County Conservation District basically supports Senate Bill #12, with changes.

Page 5, Sec. 4; (a), line 5, should read, "when proposed land disturbing activities are to be performed on state-owned lands or by or on behalf of a state agency, plans for erosion and sediment control shall be submitted to the commission and district for review and approval."

Page 5, line 15, (1) - How will man hours be furnished and financed.

Page 5, line 21, (2) - Explain details of proposed plan. For this to be an effective law, there will have to be liberal financial assistance.

If financial money is available, but no contractors, what happens then? or If no financial assistance, or contractor is available, what happens then?

Page 7, Sec. 6, line 15, how is this financed?

Page 9, line 11, should continue to read, except as stated in Section 4-(e).

Page 9, Sec. 7, line 12, who pays fees? Financing comes from whom?

Page 10, line 29, (e) (1), who is the reviewing authority? These reviews should be conducted locally.

Page 12, line 13, Sec. 10 (e), What is the time element allowed? We feel the penalty is too severe after first serving. Are there provisions for storms and act of God? If sediment is from operators own field and doesn't effect anyone else, how does the bill effect farmer?

Three board members plan on attending the Hays meeting, Sept. 22.

Sincerely,

Marion Alpers
Marion Alpers, Chairman

*Put this on record of
Hays hearing*

Decatur County Soil Conservation District

PHONE 475-2342

OBERLIN, KANSAS 67749

Hays

September 17, 1975

Senator Moore, Chairman
Legislative Committee
Energy & Natural Resources
% Robert Binder
Hays, Kansas

Dear Sir:

We will be unable to attend the hearing on Senate Bill # 12 on September 22, 1975.

In regard to policy position on Erosion and Sedimentation Regulations. We the Decatur County Conservation District Board of Supervisors are in agreement with the policy and position of the KACD Board.

We feel the Soil Conservation Districts are able to handle the requirements set forth for them in this Bill

Sincerely,



Bartos B. Brown, Chairman
Decatur County Conservation District

1950 - 1975

*Dear Schemm
Wallace County*

Twenty-five years after the organization of the Wallace County Conservation District, we, the district supervisors stop to reflect, consider the changing times, the needs of the people, their ability to pay as we go. In an attempt to change or update our long range plan and state some of our thoughts and set down our goals.

The Seventies, Signs of change, produce more, protect more.

Practices need to be tailored to meet local conditions and requirements. Local people have quite an investment in conservation systems, they need and want something to say about retaining the local, voluntary soil conservation programs in the years ahead.

We would like to continue the voluntary cooperative approach to conservation on the land that has been developed over the years.

We feel that more minimum tillage or reduced tillage would result in decreased soil losses from wind and water. It would be more compatible with the use of large modern farming equipment. It could also save fuel and labor and cut irrigation water demand.

The consensus of opinion of this district governing body is that local people, with continuing technical help, can solve local problems better than legislators because problems and people differ from place to place.

A mandatory conservation program would result in less conservation on the land and increased costs. We feel it would take more people and are apprehensive about becoming policemen. (We like to get along with our neighbors). We feel that it would be impossible and unadvisable to legislate local people into doing what they don't

want to do. We feel the laws would be ignored and overlooked.

To supply the ever increasing demand for food it is apparent that the cropland base will continue to expand. This expansion will include many acres of class VI land, which should never be plowed.

The whole community should discourage bringing acres into cropland that cannot immediately be protected against erosion. The land converted from grassland to cropland should be protected with conservation treatment before the hard rains and the winds start to blow. Every acre should have the conservation treatment planned from the start.

Mandatory controls with deadlines will require ever expanding investments in conservation systems that will tax our citizens beyond their ability in a given short period of time.

The prevailing philosophy behind the increased expansion of cropland is "get it while it's there".

Ultimately, the only management tool that will limit the continued expansion of irrigated and non-irrigated cropland will be, "economics".

The challenge is there, can we motivate action without mandatory controls before we lose our main allies, the farmers and ranchers of our county and country.

The nation is celebrating her 200th birthday, the conservation movement it's 41st birthday. Lets continue, but don't hurry. Haste makes waste. Quality must be maintained.

This Statement Prepared by the Ellis County Conservation District Board of Supervisors and presented at the Legislative Hearing at Hays on September 22, 1975, by Wesley Bittel, Chairman, Ellis County Conservation District Board.

The Ellis County Conservation District has been following closely the development of Senate Bill #12 since the Governor's Conference on Erosion and Sediment Control. Two members of the local board attended this Conference and all have had the opportunity to help develop this piece of Legislation from the beginning.

Also, the District Board appointed a local Committee on Sediment Control to help inform the people of Ellis County of the National Water Quality Act and about the problems of sedimentation and also to assist them in deciding on the best solutions.

This local Committee has held information meetings to six organizations and groups in the county. After these meetings an Opinion Poll was taken and 90% recognized the problem and favored some means of regulation. A complete record of the Opinion Polls taken are on file at the Conservation District Office and upon request from this Senate Committee, we will furnish you a detailed analysis of our questionnaire.

Rather than express our own views in detail, the entire Conservation District Board unanimously supports the Kansas Association of Conservation District's Policy Position Statement on Erosion and Sedimentation which has already been presented to you.

REACTION TO PROPOSED LEGISLATION -- SENATE BILL #12

Prepared by Board of Directors,
Kansas Association of Conservation Districts

Over 500 District Officials of the Kansas Association of Conservation Districts have studied, discussed, and debated alternatives to the soil erosion-sedimentation issue. Last fall and winter, armed with fact sheets and a slide-tape presentation prepared by Kansas State University, they talked and held meetings to find out what action might be feasible from a farmer-landowner viewpoint. Here's what they found out.

Cost sharing, the practice of the government paying the initial cost of a conservation practice (terraces, waterways, diversion ditches, ponds), is probably the most important aspect of a state sediment control policy. Since conservation practices usually do not increase yields or returns immediately from land and the cost of these practices cannot be passed directly to the consumer, it is essential that society assume this extra expense. An adequate cost-share program is mandatory for sediment abatement. X 1.

Local control is another essential condition of a stepped-up conservation program. Each county has unique erosion-sedimentation problems that can best be solved by local people. Once the problem is locally recognized and defined, people usually work together in seeking an acceptable solution. Local control with state guidance is the key. 2.

Flexibility in program implementation is also essential. The sediment abatement effort must be tailored to fit county or community needs. Soils, rainfall, and cropping patterns are greatly different from one part of the state to another. A conservation program must accommodate these differences.

Based upon suggestions and comments from conservation districts, the Kansas Association of Conservation District Board of Directors put together a state policy for erosion and sediment control.

The policy requests action along three separate lines:

- (1) State legislation on erosion-sedimentation be enacted during 1976 with a later but reasonable district enforcement date. The proposed bill will:
 - (a) Include all land under provisions of sediment abatement law--rural, urban, private, and public.
 - (b) Give leadership and control to Conservation District Boards.
 - (c) Hold landowners responsible for sediment but provide that persons having and following approved conservation plans are in compliance with law.
 - (d) Recommend public cost sharing on permanent land treatment practices (as determined by districts) at levels of 75 percent of actual costs.
 - (e) Incorporate a local appeal procedure to settle disagreements and to modify plans.
 - (f) Assign Kansas Conservation Commission leadership of the erosion-sediment abatement program at state level.
 - (g) Resolve that sedimentation caused by "acts of nature" (floods, downpours, long periods of drought) are the responsibility of all citizens.
 - (h) Provide for enforcement, including penalties.
- (2) Continuation of a voluntary conservation program at district level for a reasonable length of time to permit individuals to get conservation plans and practices established before being faced with complaints

or penalties for excessive soil loss. During this time KACD would:

- (a) Give strong educational emphasis for managing land to reduce erosion and sedimentation.
 - (b) Stress importance of updating farm conservation plans, and making progress toward completion.
 - (c) Encourage application of conservation techniques on construction sites and road grading projects.
 - (d) Seek long term contracts (like Great Plains Program and Long Term Agreements) in getting orderly conservation practices on agricultural lands.
- (3) Revision of the National Water Quality Law goals. Two features need to be changed:
- (a) Zero discharge of pollutants from nonpoint sources into navigable waters of the United States should be extended to a more reasonable rate.
 - (b) Timetable for bringing nonpoint pollution under control by 1985 is unrealistic. A more gradual approach is needed.

The KACD Board believes that the above policy is workable and will result in more conservation on the land and an effective sediment abatement program to satisfy National Water Quality Laws.

State legislation is an essential first step in implementing our proposed state policy on erosion and sedimentation.

Senate Bill #12 has many desirable features--gives leadership to Conservation District Boards, holds landowners responsible for sediment control, and has a local appeal procedure to settle disagreements.

We believe Senate Bill #12 would be more acceptable to farmers if the penalties for noncompliance were reduced, the provisions for cost sharing clarified and set at the 75 percent level, and that landowners would be excused from sediment that was a result of an act of nature--floods, downpours, and long periods of drought.

Our goal is to have an erosion-sedimentation program that relies heavily on voluntary action by landowners but yet has "teeth" to bring into line those that continue to abuse and misuse land. Senate Bill #12, with amendments, is an essential first step in accomplishing our goal.

RW

This Statement Prepared and Presented at the Legislative Hearing at Hays on September 22, 1975, by Robert J. Binder, Hays, Kansas.

Gentlemen, this concludes my Testimony for the Kansas Association of Conservation Districts Board. If you will permit me a couple of minutes, I would like to make a few observations as a private citizen and a farmer.

Several weeks ago, I visited with at least one among your group here tonight, after a public Hearing in Topeka concerning another matter and we talked about Senate Bill #12 and the National Water Quality Law. The remark was made at that time, that "We don't like for the Federal Government telling us in Kansas what to do". And I couldn't agree more with that philosophy. We have been concerned about Sediment in Kansas for many years, in fact, long before they even knew what Sediment was. My grandfather had erosion and sediment problems and built some of the first terraces in Ellis County. My father experienced the same problems and I still have problems today. The only difference being that today we are a little more knowledgeable and know how to cope with erosion problems. However, as we think these things through and realize that a great deal of soil conservation work still remains to be done and as we also realize that much of the work left to be done is on land owned by people that knowingly continue to abuse and misuse agriculture lands, and realizing that many acres of Kansas land is owned by absentee land owners, I can't help but feel that the action we will take with Senate Bill #12 is something we probably should have done several years ago. At any rate we would be taking that type of action within the next few years anyway.

I would like to think that what we are doing by en-acting Senate Bill #12, with the modifications that the Kansas Association of Conservation Districts Board sets out, is a responsibility we owe to ourselves and to future generations

for their survival.

There have been many observations made in the past months concerning the cost involved in Senate Bill #12. This certainly is something to be concerned about but I think even more important, we should be asking ourselves and our grandchildren what will it be worth to them.

As a farmer, a tax payer and a concerned citizen, I believe we need to take positive action and enact Senate Bill #12.



Kansas Association of Conservation Districts

September 15, 1975

Hays

Senator Vincent E. Moore, Chairman
Special Committee on Energy and Natural Resources
1316 Arrowhead
Wichita, Kansas 67203

Dear Mr. Moore:

Your schedule on the public Hearings for Senate Bill #12 indicated that your Committee on Energy and Natural Resources will be in Hays on the evening of September 22, 1975. It appears that a meeting place and all other arrangements have been taken care of. If, however, you will need any assistance, secretarial help, registration or assistance in any manner, please feel free to call on me and I will make the necessary arrangements.

As a member of the Kansas Association of Conservation Districts Board, I will also like to appear on the program to make a Statement to your Committee concerning Senate Bill #12.

Find enclosed a copy of the Kansas Association of Conservation Districts Board Policy Position on Erosion and Sedimentation.

Looking forward to visiting with you on September 22nd.

Respectfully yours,

Robert J. Binder

Robert J. Binder

RJB:ds

Board of Directors

J. WENDELL EGGEMAN
President
Green, Kansas 67447
Telephone: (913) 944-2738
Director Area IV

ROBERT A. PARIS
Vice President
Dighton, Kansas 67839
Telephone: (316) 397-2140
Director Area II

ROBERT J. BINDER
Secretary-Treasurer
2818 Vine Street
Hays, Kansas 67601
Telephone: (913) 625-5430
Area I Director

E. E. JABES
Route 1, Derby, Kansas 67037
Telephone: (316) 776-2488
Director Area V

LYNN BUERKI
Rt. 8, 14707 West Pawnee Road
Wichita, Kansas 67235
Telephone: (316) 722-3448
Director Area III

STATE POLICY ON EROSION-SEDIMENTATION

Outlined by KACD Board
May 1975

Sediment from water and wind erosion is a major pollutant of Kansas rivers and reservoirs. According to SCS reports, nearly 90,000,000 tons of sediment are added each year to Kansas waters from cropland. Grasslands contribute another 20 to 45 million tons. Urban development, road and industrial construction contribute much less, but the soil loss per acre frequently exceeds ten times that from cropland.

The National Water Quality Law demands that each state initiate a program to bring nonpoint pollution (soil sediment) under control by 1985. In response to this national law the KACD Board recommends:

- (i) State legislation on erosion-sedimentation be enacted during 1976 with a reasonable district enforcement date. The proposed bill will:
 - (a) Include all land under provisions of sediment abatement law--rural, urban, private, and public.
 - (b) Give leadership and control to Conservation District Boards.
 - (c) Hold landowners responsible for sediment but provide that persons having and following approved conservation plans are in compliance with law.
 - (d) Recommend public cost sharing on permanent land treatment practices (as determined by districts) at levels of 75 percent of actual costs.
 - (e) Incorporate a local appeal procedure to settle disagreements and to modify plans.
 - (f) Assign Kansas Conservation Commission leadership of the erosion-sediment abatement program at state level.
 - (g) Resolve that sedimentation caused by "acts of nature" (floods, down-pours, long periods of drought) are the responsibility of all districts.
 - (h) Provide for enforcement, including penalties.

- (2) Continuation of a voluntary conservation program at district level for a reasonable length of time to permit individuals to get conservation plans and practices established before being faced with complaints or penalties for excessive soil loss. During this time the KACD Board would:
- (a) Give strong educational emphasis for managing land to reduce erosion and sedimentation.
 - (b) Stress importance of updating farm conservation plans, and making progress toward completion.
 - (c) Encourage application of conservation techniques on construction sites and road grading projects.
 - (d) Seek long term contracts (like Great Plains Program and Long Term Agreements) in getting orderly conservation practices on agricultural lands.
- (3) Revision of the National Water Quality Law goals. Two features need to be changed:
- (a) Zero discharge of pollutants from non point sources into navigable waters of the United States should be extended to a more reasonable rate.
 - (b) Timetable for bringing nonpoint pollution under control by 1985 is unrealistic. A more gradual approach is needed.

Senate Bill #12 introduced during the 1974-75 Kansas Legislative session contains many of the provisions listed above. However, amendments need to be made. Cost sharing and sediment caused by "acts of nature" are two points that need legislative attention.

Wendell Eggerman
Wendell Eggerman

Robert Paris
Robert Paris

Robert Blinder
Robert Blinder

E. E. Jates

Lynn Duorkl

EROSION AND SEDIMENTATION

PAWNEE COUNTY
H. J.

Pawnee Heights High School	86
Larned High School	78
TOTAL	164

Your Opinion, Please

1. My reaction to the national law requiring all states to clean up the air and water for a better environment is:

142	12	9	
87% Favorable	7% Unfavorable	6% No Opinion	164

COMMENTS _____

2. In my county, I believe that sedimentation, caused by wind and water erosion, is a:

26	93	44
16% Minor Problem	57% Moderate Problem	27% Major Problem

COMMENTS _____

3. In my county, I believe sedimentation can be controlled by:

20	5	134
13% Voluntary Action	3% Some State regulation	84% Combination of Both

COMMENTS _____

4. Which of the following alternatives for citizen action do you favor:

53	
34% Continue the present voluntary soil and water conservation program, and accept the provisions of the National Water Quality Act when imposed.	156

88
56% Approve Kansas Task Force recommendations for strengthening the present conservation district law in order to get greater participation in sediment control programs.

15
10% Work for partial revision or complete redirection of the National Water Quality Act before designing state sediment control programs.

5. If a sediment abatement law is drafted, should the following provisions be included:

a. Give leadership and control to present Conservation Districts.

94	16	50
59% Agree	10% Disagree	31% No Opinion

COMMENTS _____

b. Provide that persons following approved conservation plans (on farms, building sites, etc.) are in compliance with the law.

111	8	39
70% Agree	5% Disagree	25% No Opinion

COMMENTS _____

(over)

c. Place limitations on land disturbing activities that cause excessive soil losses and sedimentation problems (like row crops up and down hill, leaving land unprotected during long periods of construction, etc.).

107	23	28	
67% Agree	15% Disagree	18% No Opinion	158

COMMENTS _____

d. Authorize Kansas Conservation Commission to set state guidelines for controlling erosion and sedimentation from land disturbing activities.

104	18	37	
65% Agree	11% disagree	23% No Opinion	159

COMMENTS _____

e. Recommend cost-sharing from federal and/or state funds on land treatment practices.

95	20	42	
60% Agree	13% Disagree	27% No Opinion	157

COMMENTS _____

f. Establish local appeal procedure to settle disagreements and to modify approved plans.

114	7	37	
72% Agree	4% Disagree	23% No Opinion	158

COMMENTS _____

I live in Pawnee County-148, other counties-16, and am a	
44 Landowner	47 City Dweller
58 Farm Operator	12 Ag-Business owner or operator
84 Rural Resident	6 Realtor, land developer, or contractor

EROSION AND SEDIMENTATION

Pawnee County

Garfield, 6th grade	15
Northside, 5th and 6th grade	80
Pawnee Rock, 6,7,8th grades	48
Pawnee Heights, 7th grade	13
Pawnee Heights Jr. High	26
Larned Jr. High	128
TOTAL	318

Your Opinion, Please

1. My reaction to the national law requiring all states to clean up the air and water for a better environment is:

288	4	18	
92% Favorable	1% Unfavorable	6% No Opinion	310

COMMENTS _____

2. In my county, I believe that sedimentation, caused by wind and water erosion, is a:

67	151	98
21% Minor Problem	48% Moderate Problem	31% Major Problem
		316

COMMENTS _____

3. In my county, I believe sedimentation can be controlled by:

61	19	235
19% Voluntary Action	6% Some State Regularion	75% Combination of Both
		315

COMMENTS _____

4. Which of the following alternatives for citizen action do you favor?

85
27% Continue the present voluntary soil and water conservation programs, and accept the provisions of the National Water Quality Act when imposed.

170
54% Approve Kansas Task Force recommendations for strengthening the present conservation district law in order to get greater participation in sediment control programs.

60
19% Work for partial revision or complete redirection of the National Water Quality Act before designing state sediment control programs.

5. If a sediment abatement law is drafted, should the following provisions be included:

a. Give leadership and control to present Conservation Districts.

154	19	137
50% Agree	6% Disagree	44% No Opinion
		310

(over)

b. Provide that persons following approved conservation plans (on farms, building sites, etc.) are in compliance with the law

210	31	67	
68% Agree	10% Disagree	22% No Opinion	308

COMMENTS

c. Place limitations on land disturbing activities that cause soil losses and sedimentation problems (like row crops up and down hill, leaving land unprotected during long periods of construction, etc.).

192	45	67	
63% Agree	15% Disagree	22% No Opinion	304

COMMENTS

d. Authorize Kansas Conservation Commission to set state guidelines for controlling erosion and sedimentation from land disturbing activities.

198	40	67	
65% Agree	13% Disagree	22%	305

COMMENTS

e. Recommend cost-sharing from federal and/or state funds on land treatment practices.

153	62	86	
51% Agree	21% Disagree	28% No Opinion	301

COMMENTS

f. Establish local appeal procedure to settle disagreements and to modify approved plans.

196	30	76	
65% Agree	10% Disagree	25% No Opinion	302

I live in Pawnee County-272, other counties-46, and am a

27 Landowner

76 City Dweller

39 Farm Operator

16 Ag-business owner or operator

61 Rural Resident

6 Realtor, land developer, or contractor

EROSION AND SEDIMENTATION

PAWNEE COUNTY

ANNUAL MEETING Pawnee County Conserv. District	135
Farmers & Merchants Stag	102
Kiwanis Club	21
Burdett Lions Club	14
Larned Rotary Club	14
Larned Lions Club	11
Garfield Lions Club	14
Rozel Lions	8
Mail	10
TOTAL	329

YOUR OPINION, PLEASE

1. My reaction to the national law requiring all states to clean up the air and water for a better environment is:

249	57	19	
77% Favorable	17% Unfavorable	6% No Opinion	325

COMMENTS

2. In my county, I believe that sedimentation, caused by wind and water erosion, is a:

66	185	66
21% Minor Problem	58% Moderate Problem	21% Major Problem

COMMENTS

3. In my county, I believe sedimentation can be controlled by:

73	28	212
23% Voluntary Action	9% Some State Regulation	68% Combination of Both

COMMENTS

4. Which of the following alternatives for citizen action do you favor:

109
39% Continue the present voluntary soil and water conservation programs, and accept the provisions of the National Water Quality Act when imposed.

126
46% Approve Kansas Task Force recommendations for strengthening the present conservation district law in order to get greater participation in sediment control programs.

45
15% Work for Partial revision or complete redirection of the National Water Quality Act before designing state sediment control programs.

5. If a sediment abatement law is drafted, should the following provisions be included:

a. Give leadership and control to present Conservation District	240	13	28
65% Agree	5% Disagree	10% No Opinion	281

COMMENTS

b. Provide that persons following approved conservation plans (on farms, building sites, ect.) are in compliance with the law.

232 18 14
86% Agree 7% Disagree 7% No Opinion 268

COMMENTS

c. Place limitations on land disturbing activities that cause excessive soil losses and sedimentation problems (like row crops up and down hill, leaving land unprotected during long periods of construction, etc.).

221 35 14
82% Agree 13% Disagree 5% No Opinion 270

COMMENTS

d. Authorize Kansas Conservation Commission to set state guidelines for controlling erosion and sedimentation from land disturbing activities.

195 42 31
73% Agree 16% Disagree 11% No Opinion 268

COMMENTS

e. Recommend cost-sharing from federal and/or state funds on land treatment practices.

235 22 12
87% Agree 8% Disagree 5% No Opinion 269

COMMENTS

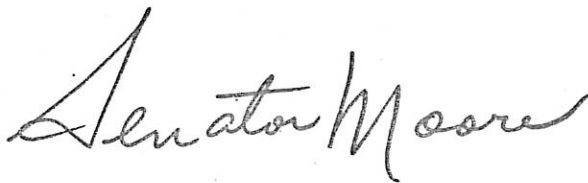
f. Establish local appeal procedure to settle disagreements and to modify approved plans.

235 16 15
88% Agree 6% Disagree 6% No Opinion 266

COMMENTS

I live in Pawnee County-237, Other counties-27, and am a--

200 Landowner	32 City Dweller
154 Farm Operator	22 Ag-business owner or operator
124 Rural Resident	7 Relator, land developer, or contractor



September 25, 1975

Dear Sir:

In response to your statement that citizens should submit to you any additional comments on erosion and sediment control legislation not covered in the meeting, I offer the following comments.

1. The only justification for passing erosion and sediment control legislation is that it will increase the pace and/or the scope of on-farm conservation practices enough to, at least, offset the cost of a regulatory program. But it will not do so, because-
 - a. The final direct costs (indirect costs are often greater) of any regulatory program are always far higher than anyone ever estimates, (I covered some of this in my speech).
 - b. I deny that the pace of on-farm conservation will be increased in any way because regulatory programs can exercise no control over the primary incentives and constraints that govern the adoption of soil and water conservation activities at the farm level, which are-
 1. The availability of earth moving equipment
 2. Weather
 3. The availability of Federal cost-sharing funds.
 4. The price of farm products (farmers' ability to pay).
 - c. Some increase in scope may occur, but not as much as we are led to believe because, as you heard at the meeting, the earth moving equipment is fully occupied doing work for those who are willing cooperators. To force those unwilling farmers to become cooperators would require that district supervisors deny the willing in favor of the unwilling. It is only natural to expect that local people will be quite reluctant to do battle with their reluctant neighbors, unless,
2. The State Conservation Commission, in discharging their responsibilities under Senate Bill 12 to develop a "comprehensive" control program and guidelines, interprets the language of the Bill to also include guidelines for the administration and enforcement of this program in addition to those already spelled out in the Bill. One would be naive if he predicted the "Commission" would pass up this opportunity. For is this task not a part of any comprehensive state erosion and sediment control program?

Of course it is, and of course they will! But if you limit state intervention to only technical advice, you are covering the very same ground already covered by the "memorandum of understanding" between the District and the Soil Conservation Service. So the only additional service that will be provided by the State Conservation Commission is the application of "compulsion"; and try as I might, I cannot help but see where the Districts' authority, responsibility and sovereignty is not effectively transferred to the State Conservation Commission by Senate Bill 12.

3. This bill also says that any farmer who has an "approved" conservation plan "shall not be deemed to be engaged in prohibited land disturbing activity". The point I feel that is generally overlooked is that the State Conservation Commission also has the authority and responsibility, under Senate Bill 12, to establish the criteria for farm conservation plans. So, again, as environmental demands continue to escalate, so will the pressure on the Commission to make the farm conservation plan ever more stringent in both scope and detail. Have you ever seen a regulatory program issue less stringent regulations and reduce their demands? Can the benefits to the rural people and to society ever begin to equal the inevitable costs that are an inherent part of such a regulatory program? You know they won't! They never do!

One final point - the people who support State control argue that the alternative is "home rule", a situation where there would be 105 different conservation plans, where one county might have severe limits and the next county have none. I ask you, what in the hell is wrong with that? Why is "uniformity" such a noble virtue?

If conservation is such a good idea (and it is), why does the State need to rely on force? Any good farmer will tell you that, under today's economic pressures, good farming practices include soil conservation practices. Economics is doing far more to promote good soil care than regulations ever can; and this is especially true in the rural areas where the state police power is at a minimum.

A handwritten signature in cursive script, reading "Owen Long". The signature is written in dark ink on a white background. The letters are fluid and connected, with a prominent loop at the end of the last name.

VM

TESTIMONY
BEFORE THE
SPECIAL COMMITTEE ON ENERGY & NATURAL RESOURCES
SEPTEMBER 23, 1975 AT JACKSON COUNTY FAIR BUILDING
HOLTON, KANSAS
AND
PRESENTED BY JOHN RITTER, EXECUTIVE SECRETARY
KANSAS LAND IMPROVEMENT CONTRACTORS ASSOCIATION

Holton
*10 Days for permits turned into 60 or 90 days
Too much red tape.*

Mr. Chairman and members of the committee. We are pleased with this opportunity to appear before you today to explore with you the feasibility of Senate Bill 12.

Since a governmental agency will, in all probability, monitor this law, if passed, will it be all technical advice or partially a common sense approach. For example; many farmers are also land improvement contractors and have an idea as to what might be best for their particular situation. Numerous farmers have, for the past forty years, practiced good conservation without the technical assistance or financial assistance of any governmental agency. This should not be discouraged. Due to a lack of federal funding we are now faced with a need for mandatory laws.

Penalties shouldn't even be considered, before considering the cost-sharing of this law. With so many different plans, how will technical assistance be funded. Each year Soil Conservation Service experiences a cut in their personnel ceiling and appropriation for their assistance isn't on the same level as inflation.

Making it unlawful for any person to engage in a "land disturbing activity", unless he has submitted a plan for erosion and sediment control for approval, is going to slow down the conservation pace in Kansas, because you are creating another form of "red tape" that the farmer or rancher will be forced to encounter, thus, discouraging the very thing we all want--"less erosion".

Senate Bill 12 calls for walk on inspections and in view of the fact that the phrase "land disturbing activities" isn't spelled out this could lead to another catastrophe such as the OSHA laws, which, are no longer recognizable by the members of congress.

Members of Kansas Land Improvement Contractors Association view Senate Bill 12, as promoting work for the contractor by some land owners who are neglecting their land, but the permit and regulations system could be so discouraging as to give the contractors the attitude of "to hell with it all" and quit the conservation contracting business.

Feasibility fo this bill isn't with the scope of reality, unless appropriations are made for continuous cost-sharing. You must consider the small farmer who is near retirement and is forced to conform to these requirements, by digging into his cash reserves, only to be hit by a possible seven inch rain fall at a critical time. If a heavy rain were to hit newly prepared terraces this small farmers whole investment could be wiped out.

The Kansas Land Improvement Contractors Association, along with many other organizations have been promoting erosion control measures for years and still feel the average land owner will be more agreeable to work with, take better

care of his land and be a better citizen, if an incentive or promotional type of plan is adopted rather than the mandatory system.

In today's world of poor grain and cattle markets, it should be understood that any further governmental controls are likely to cause our farmers and ranchers to become welfare cases and those that are employed by our farmers and ranchers would be added to the ranks of the unemployed.

#

REACTION TO PROPOSED LEGISLATION -- SENATE BILL #12

Prepared by Board of Directors,
Kansas Association of Conservation Districts

Holton
Wandell
Eggertson
Green, Jr.
Riley Co.

Over 500 District Officials of the Kansas Association of Conservation Districts have studied, discussed, and debated alternatives to the soil erosion-sedimentation issue. Last fall and winter, armed with fact sheets and a slide-tape presentation prepared by Kansas State University, they talked and held meetings to find out what action might be feasible from a farmer-landowner viewpoint. Here's what they found out.

Cost sharing, the practice of the government paying the initial cost of a conservation practice (terraces, waterways, diversion ditches, ponds), is probably the most important aspect of a state sediment control policy. Since conservation practices usually do not increase yields or returns immediately from land and the cost of these practices cannot be passed directly to the consumer, it is essential that society assume this extra expense. An adequate cost-share program is mandatory for sediment abatement.

Local control is another essential condition of a stepped-up conservation program. Each county has unique erosion-sedimentation problems that can best be solved by local people. Once the problem is locally recognized and defined, people usually work together in seeking an acceptable solution. Local control with state guidance is the key.

Flexibility in program implementation is also essential. The sediment abatement effort must be tailored to fit county or community needs. Soils, rainfall, and cropping patterns are greatly different from one part of the state to another. A conservation program must accomodate these differences.

Based upon suggestions and comments from conservation districts, the Kansas Association of Conservation District Board of Directors put together a state policy for erosion and sediment control.

The policy requests action along three separate lines:

- (1) State legislation on erosion-sedimentation be enacted during 1976 with a later but reasonable district enforcement date. The proposed bill will:
 - (a) Include all land under provisions of sediment abatement law--rural, urban, private, and public.
 - (b) Give leadership and control to Conservation District Boards.
 - (c) Hold landowners responsible for sediment but provide that persons having and following approved conservation plans are in compliance with law.
 - (d) Recommend public cost sharing on permanent land treatment practices (as determined by districts) at levels of 75 percent of actual costs. *Insure Contractors to be able to acquire equipment*
 - (e) Incorporate a local appeal procedure to settle disagreements and to modify plans.
 - (f) Assign Kansas Conservation Commission leadership of the erosion-sediment abatement program at state level.
 - (g) Resolve that sedimentation caused by ^{extreme} "acts of nature" (floods, downpours, long periods of drought) are the responsibility of all citizens.
 - (h) Provide for enforcement, including penalties.
- (2) Continuation of a voluntary conservation program at district level for a reasonable length of time to permit individuals to get conservation plans and practices established before being faced with complaints *get as much of permit practices done*

or penalties for excessive soil loss. During this time KACD would:

- (a) Give strong educational emphasis for managing land to reduce erosion and sedimentation.
 - (b) Stress importance of updating farm conservation plans, and making progress toward completion.
 - (c) Encourage application of conservation techniques on construction sites and road grading projects.
 - (d) Seek long term contracts (like Great Plains Program and Long Term Agreements) in getting orderly conservation practices on agricultural lands.
- (3) Revision of the National Water Quality Law goals. Two features need to be changed:
- (a) Zero discharge of pollutants from nonpoint sources into navigable waters of the United States should be extended to a more reasonable rate.
 - (b) Timetable for bringing nonpoint pollution under control by 1985 is unrealistic. A more gradual approach is needed.

The KACD Board believes that the above policy is workable and will result in more conservation on the land and an effective sediment abatement program to satisfy National Water Quality Laws.

State legislation is an essential first step in implementing our proposed state policy on erosion and sedimentation.

Senate Bill #12 has many desirable features--gives leadership to Conservation District Boards, holds landowners responsible for sediment control, and has a local appeal procedure to settle disagreements.

We believe Senate Bill #12 would be more acceptable to farmers if the penalties for noncompliance were reduced, the provisions for cost sharing clarified and set at the 75 percent level, and that landowners would be excused from sediment that was a result of an act of nature--floods, downpours, and long periods of drought.

Our goal is to have an erosion-sedimentation program that relies heavily on voluntary action by landowners but yet has "teeth" to bring into line those that continue to abuse and misuse land. Senate Bill #12, with amendments, is an essential first step in accomplishing our goal.



Nemaha County Soil Conservation District

KA-SCD-28

Seneca, Kansas 66538

Holton

To: Special Committee on Energy and Natural Resources

The sediment and erosion control committee for Nemaha County feels the proposed law in general is very good. We feel the work should be as much as possible on a voluntary basis and then only if cost-sharing is provided at a minimum of 60% for most conservation practices.

We also believe some agreement at the state level will have to be worked out with the E.P.A. on Environmental Assessment Impact Statements. At the present time work has been stopped on all watersheds in the County because of Environmental Complaints. Estimates are that it will take two to three years and thousands of dollars expenditure for a study to appease the environmental group so that the work required under this law can be accomplished. This must be eliminated if the time table is to remain in force.

We agree with the law, as we understand it, that anyone who is carrying out the requirements of a Conservation Plan approved by the Conservation District Board shall be deemed in compliance.

Leo Spielman

Leo Spielman, Chairman
Nemaha County Sediment &
Erosion Control Committee

E. Spielman

Citizen

Nias. Chm 5522

3 yrs Regional Pl Comm Chm

D. Johnson

Chairman
Mr. Chariman:

A

I wish to point out early some flagrant abuses and misuses of our priceless Kansas soil. ^{the} Soil which is the backbone of America's Agricultural production) We, most of us, have eyes to see ^{each &} every year where violent weather (along with, (sorry to say, ^{with} ~~this~~ ^{with} mankind's help) pressures our pliable every yielding ^{productive} soil to erode and sedimentate. I say some folks are insensitive to this our valuable resource and they are ones who need the confirming power of ~~the~~ a law. We farmers are urged by the administration, yes, some labor leaders and consumers for all out production... Maybe not urged.. just ordered!!! With this in mind... I think its a lapse of ^{the} memories of the "Dirty thirties"... Sure we have better methods of soil care and control today but in battling the elements of nature,.. she's as tough as she ever was. ^{also} There is a new generation today... ^{with old & young} that has new, large, powerful tools and if time, tide, drouth or floods gain a foothold.... good bye soil!!!

As Kansans , we mudt be watchful with ^{eyes of} an eagle ^{Chm} eye. Look close at some Flint Hills county reasonably close to where I live... Along Interstate 70 west of Topeka. ^{the} south side also K-177 south of the Manhattan Interchange and I know of othere places ⁱⁿ Chase County. ^{it acts} Here ^{we find} rangeland disturbed or plowed on 5 to 15 % slopes. It's folly... Its eroding and sediment! How many others might follow this example just for production's sake? Yes, I know... private rights and privileges ^{has} is what ^{has} made our country great!!! But once virgin land is turned its' doubtful reclamation can return it to ^{the} 100 % former state.... (I learned this from ^{my} uncle 20 or more years ago when I exuberantly told him I would return that newly purchased 80 acres to what it once was.

B

Personally may I examine SB 12 for some changes at this point I see as *a possible* necessary. Why not advocate 75% cost sharing, *(It'll cost money from somewhere I'm sure)* to get erosion control on the remaining land completed.

At the same time the law could use some excuses... such as those for "Acts of God"... floods.. drouth, Liability penalties need to be softened or studied such as hardship cases. There needsto be a provision for exemption for those persons without a prescribed conservation plan but who are conforming with practices in a proper balance and method.

B.A. *But now* On the other hand it is not all that difficult for good conservation manage ment... Many, many Kansas farmers are in the fold and deserve praise for excellent farming practices.

C. Speaking of timetables... ~~These~~ target dates are useful as a projection.. if they are flexible and do not deal with an impossible problem. Shucks... everyone is *continually* involved with minute and long term goals (AS a farmer, I've seen many of my timetables waft out the window). Then I find I must start over again.

When we hear of Zero pollution as farmers and conservationists, we shake our heads and recommend a reasonable approach!!! *"All this is included in those famous periodicals called Water Strategy papers"*
Zero Discharge by 1985?

How can a most successful voluntary 40 year program be overnight turned into a mandatory 10 year program?

However, if this is EPA'S edict (or ~~that of~~ anyone else)... I should say to the members of the Kansas Legislature and *to* the states' citizens , we'd best get cracking on S. B. 12 as the tool to keep ~~that~~ important local expertise to do the job it knows, rather than that of " any other state of federal agency"

School Bd. member 10 yrs. ago *consolidation (a monstrosity to some) (necessity to others) I second - and criticized (called a communist) - In retrospect results are on both sides of the coin (Today the farmer has died down)*
D. Committee members.... lately I *heard* some unreasonable challenges to SB

12. (I am Co-Chr. of Kansas Livestock Assoc.- Range & Conseration Committee..

I heard an official of our state's agency on Health & Environment indicate ver-

bally that S. B. 12 was meritious in some respects althought his agency could approach the task better in this way. ---

To Conduct a study and present the facts in 3 years (by 1978)... because of inconclusive guidelines by EPA at the present & etc... (In other words " trust me... push the dust under the carpet and in 3 years my agency will pull the rabbit from the hat.... prestol") Now ^{I won't go further} ~~committee friends~~, I know your committee records show this agency officially appeared before you and presented you with a more concise version. ^{(But} Sometimes folks will latch on to anything that hides reality.)

I Look at it this way... I trust many agency officials... but 3 years from now the Kansas conservation farmer and the erosion and sediment problems... enlarged will still be here!... are we sure where a trusted agency official might be?

E

Senate Bill 12 is to be sure, a first step bill for the state of Kansas... It has the studious endorsement of the Kansas Task Force on Sediment & Erosion Control. Among the many stacks of legislative bills approved each year... very few have had the exposure in even the limited way SB 12 has received to the public of our state.

It is exposed to our citizens and explained ^{by R S U Estiman and K A C D. Thanks to these people} ~~And why a years study of your committee~~

I honestly, Mr. Chaitman and Committee members, believe, my comments though far ranging have been made in ^{the} ~~in~~ ^s ~~thought~~ of moderation.

I believe it is the finest of governmental action on the part of this Energy and Natural Resources Committee to hold these statewide hearings. You are to be surely commended for your dilignece. Thank you!

Harold F. Johnson

PERTAINING TO:

A Model Erosion and Sediment Control Ordinance - Metropolitan Kansas City

The 8 County Mid-America Association of Conservation Districts, Mid-America Regional Council, private engineer representatives, home builder association representatives, city representatives and Soil Conservation Service representatives are working on a "Model Erosion and Sediment Control Ordinance" that could be accepted and used by any local unit of government within or outside of the Kansas City Metropolitan area. Workshop meetings are presently being held to iron out details and wording to make the model ordinance acceptable and workable to all groups involved.

The "Model Ordinance" would require that an erosion and sediment control plan be submitted and approved before a building permit would be issued for development within a city. The preliminary draft excludes agricultural land and developments of less than 5 acres.

Conservation Districts would have responsibilities to review and comment on all development plans falling within ordinance requirements. Developers would have the option to use any structural or vegetative practice or combination of practices that would prevent excessive soil loss from a development area.

Intentions are to develop a workable ordinance that the Mid-America Regional Council can endorse and recommend to units of government within the Metropolitan Kansas City area. The Mid-America Regional Council is a voluntary association of local governments in the Kansas City Metropolitan Area.

The City of Bonner Springs, Kansas presently has a sediment and erosion control ordinance. Overland Park, Kansas is working on a similar ordinance. Overland Park will be encouraged to wait until the model ordinance mentioned above is developed and consider acceptance of it.

Workshop sessions on the Model Erosion and Sediment Control Ordinance should be completed within the next month or so.

Dean Falls
Chairman
Mid-America Assoc.
of Conserv. Districts

September 22, 1975

Kansas Legislator's Special Committee on
Energy and Natural Resources
c/o State Conservation Commission
Room 406, Mills Building
Topeka, Kansas 66612

Re: Proposed Erosion and Sedimentation
Control Legislation (S.B. 12)

Gentlemen:

The proposed legislation is very similar to a model GRADING, EROSION AND CONTROL ORDINANCE which was being considered for adoption by the Mid-America Regional Council located in Kansas City.

Representatives from local units of government, the Home Builder's Association Builder's Association and many professional organizations were requested to attend a meeting on February 11, 1975 and comment on the proposed ordinance. I was asked to attend this meeting on behalf of the Missouri Society of Professional Engineers.

Upon completion of this meeting, Mid-America Regional Council received letters from almost every organization represented at the meeting objecting to the ordinance. Copies of some of these letters are enclosed. Please note that Representative Bogina served on the Missouri Society of Professional Engineer's Committee which objected to the ordinance in its present form. As a result of these objections, and after several subsequent meetings hosted by M.A.R.C., it has been decided to rewrite the ordinance so that it could be accepted by all parties involved (ie: The Builder, the City or other local governmental agency, the Conservation District, and the Engineer, Landscape Architect or other Professional assisting on the project).

The new ordinance is approximately one-half completed, and should be finished within two months.

The Committee working on this new ordinance requests that Kansas S.B.-12 be delayed until the ordinance is available for study by the Special Committee.

page 4
September 22, 1975

If you need additional information, please contact Mr. Gordon
Marking with MARC or myself. Thank you.

Very truly yours,

GEORGE BUTLER ASSOCIATES

Wilber A. Copenhafer

Wilber A. Copenhafer, P.E.

WAC:pf

Suite 305 A

4210 Johnson Drive

Shawnee Mission, Ks. 66205

HOME BUILDERS ASSOCIATION
OF GREATER KANSAS CITY

5601 MAIN STREET

KANSAS CITY, MO. 64111

PHONE 816-753-6000

LEO D. MULLIN—executive vice president

March 4, 1975

Mr. Richard F. Davis, Executive Director
Mid-America Regional Council
20 West 9th Street
Kansas City, Missouri 64105

RE: Sediment and Erosion Control Ordinance as proposed by Mid-America
Regional Council

Dear Mr. Davis:

As you may be aware, members of the Home Builders Association and myself have attended the two public hearings thus far on the above cited ordinance. As per a conversation with your legal counsel, Joe James, on March 3, 1975 I am submitting comments today as a result of the February 11th hearing at the offices of the Mid-America Regional Council concerning this ordinance.

1. In its present form, and if adopted, the above referenced ordinance would cause considerable delays in review of project plans, and of course, thereby result in delays in completion of construction schedules for development projects.

2. At the above February 11th meeting it was noted that Standards were not provided in the ordinance for the control of sediment and erosion and at that time we asked that copies of these Standards and Specifications be mailed to individuals present for their review in connection with the ordinance. These Standards and Specifications have been received and while they do provide some insight into what is expected by the Soil Conservation Service, it should be pointed out to the Mid-America Regional Council that these Standards and Specifications overlap and differ in many areas with the Standards and Specifications for storm sewer design as published by the American Public Works Association, Kansas City Chapter. Since the aforementioned APWA specifications are in wide usage in the Kansas City Metropolitan area, I believe it behooves the Home Builders Association to suggest to the Mid-America Regional Council and the Soil Conservation Service that these specifications be rewritten in light of this fact so that overlaps and the incongruities do not come about as a result of Standards and Specifications being prepared by two separate

OFFICERS

ROSS B. WYSS

Richard T. Mika

JAMES M. CAMPBELL

RICHARD D. MATHER

JAMES L. YOUNG

Immediate Past President

DIRECTORS

Robert A. ...

John H. ...

John H. ...

Robert ...

R. D. ...

Edwin D. ...

Robert W. ...

Ed F. ...

John C. ...

Charles W. ...

John A. ...

Joy R. ...

Larry A. ...

AREA VICE

JAMES G. ...

RONALD CLEVELAND

KIRK A. JONES

D. GARY BARNHART

EDWARD B. THOMSON

ROBERT L. ...

HENRY R. ...

DONALD K. ...

NATIONAL

Donald A. ...

Carlton E. ...

Charles W. ...

John H. ...

Ross B. ...

James L. ...

Charles E. ...

W. H. ...

A. C. ...

J. D. ...

John O. ...

Quinton Z. ...

Larry ...

ALTERNATES

George W. ...

James M. ...

Richard D. ...

Richard T. ...

Edwin D. ...

Charles W. ...

PAST

James L. Young—1974

Charles W. ...—1973

Donald D. ...—1972

John H. ...—1971

Walter W. ...—1970

Carlton E. ...—1969

W. H. ...—1968

Charles E. ...—1967

W. H. ...—1966

John O. ...—1965

George W. ...—1964

W. H. ...—1963

Carlton E. ...—1962

J. D. ...—1961

Ross B. ...—1960

John H. ...—1959

Edwin D. ...—1958

Charles W. ...—1957

W. H. ...—1956

A. C. ...—1955

John O. ...—1954

Starlin W. ...—1953

Richard O. ...—1952

John H. ...—1951

George W. ...—1950

W. H. ...—1949

Carlton E. ...—1948

J. D. ...—1947

Ross B. ...—1946



Mr. Richard F. Davis

March 4, 1975

Page 2

bodies.

3. At the meeting it was pointed out that the Soil Conservation Service does not presently have staff members available to review erosion control plans for developments in the event that this proposed ordinance comes into wide usage in the Kansas City Metropolitan area, and especially should the larger cities in the Metropolitan area adopt the proposed ordinance.

4. As Home Builders we should protest the writing of an ordinance which excludes land being developed for agricultural use and land being developed for highway purposes. Since these two areas have been excluded, our position should be that the remaining development is not significant to justify the need of such an ordinance at this time. At that meeting when asked to give information concerning the magnitude of the overall problem in order that a determination could be made concerning the effectiveness of the proposed ordinance, the Soil Conservation Service indicated that there are no test studies available in the midwestern area to indicate the overall magnitude of the problem. Again, the Home Builders position on this should be that we oppose the creation or passage of an ordinance for the control of Sediment and Erosion when no one has any information or idea of the magnitude of the problem which needs solving. As a result of this, any ordinance may be inadequate since we do not know what is needed.

5. It became obvious from the discussion at the above meeting that the definition of projects to be covered by the ordinance and their size, or lack of size, should be clarified to a much greater extent.

6. This ordinance would have to be accepted and passed by cities who then would be required to enforce the ordinance thus creating two major problems. In the larger cities this would require the significant addition of budget funds, which are extremely hard to come by in today's economy, and secondly, in the smaller cities no technical staff is available to handle and process the requirements of this ordinance. Therefore, I would suggest that the Home Builders indicate that at this time they would be opposed to the publishing of this proposed ordinance until such problems can be resolved, or, that the proposed ordinance be enforced by other authorities.

As a result of the above comments I would suggest that the Home Builders take a position as follows:

As Home Builders we are acutely aware of the problems caused by inadequate control of sediment and erosion. We would agree that controls are necessary, but we believe these controls should be provided on the local level, not by the adoption of another ordinance but by existing subdivision regulations, storm drainage design criteria, zoning controls and building codes. It is apparent

Mr. Richard F. Davis

March 4, 1975

Page 3

that local officials are exercising increased control and regulation over such systems within our communities. We believe our local officials should be encouraged to continue these practices to prevent erosion, sedimentation, poor drainage facilities and to preserve land values as well as the natural beauty and esthetics of the community. However, the creation of another reviewing agency with broad powers, staffed by additional tax supported employees at great expense to the tax payers, additional delays to the land developer, thereby creating additional cost and perhaps a reduction in land values, would produce a net loss to the community. This will produce the effect of discouraging further development in the metropolitan area because of costs and delays. We can agree with the objectives of the proposed ordinance, but we cannot agree with the review procedures and with the inadequacies of the standards in light of present development standards for storm sewers and erosion control.

Sincerely,



Ronald D. Talcott, Chairman
Public Affairs Committee
Home Builders Association of
Greater Kansas City

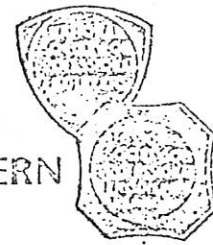
RDt:cb

CC: Leo D. Mullin, Executive Vice President
Home Builders Association of Greater Kansas City

Ross B. Wyss, President
Home Builders Association of Greater Kansas City

MISSOURI SOCIETY OF PROFESSIONAL ENGINEERS

WESTERN CHAPTER



March 17, 1975

PRESIDENT
CLAY A. MAUCH, P.E.
241 West 11th St.
P.O. Box 4495
Kansas City, Missouri 64104
351-7000

PRESIDENT-ELECT
DAVID G. BURK, JR., P.E.
241 West 11th St.
P.O. Box 4495
Kansas City, Missouri 64104
351-7000

VICE PRESIDENT
THOMAS C. KIRKWOOD, P.E.
A.C. Kirkwood and Associates
1100 The Plaza
Kansas City, Missouri 64114
351-4477

SECRETARY
JOHN W. HARRISON
Bankland Plaza
P.O. Box 5425
Kansas City, Missouri 64114
351-7550

TREASURER
THOMAS C. BAKER, JR.
Saginaw Street and Tenth St.
1145 Grand
Kansas City, Missouri 64105
251-0175

ADMINISTRATIVE ASST.
WES. LAE ADDINGTON
Missouri Highway Department
517 E. 31st Street
Kansas City, Missouri 64113
521-1154

CHAPTER DIRECTORS
JENNIFER ALLEN, P.E.
KENNETH C. MILLER, P.E.
PAUL L. ANGLAS, P.E.
ROBERT G. BISHOP, JR., P.E.
GEORGE E. WOLF, JR., P.E.
ROBERT F. SPICE, P.E.

STATE DIRECTORS
JAMES R. WRIGHT, P.E.
GEORGE L. SATTINGER, JR., P.E.
JEROME F. FLADUNG, P.E.
DONALD L. FRITS, P.E.
JOHN A. ROUS, P.E.
JACK D. WHITE, P.E.
THEODORE J. CAMBERN, P.E.

Mr. Richard F. Davis, Executive Director
Mid-America Regional Council
20 West 9th Street
Kansas City, Missouri 64105

Re: Model Sediment and Erosion
Control Ordinance

Dear Mr. Davis:

As indicated in our letter dated February 28, 1975, the official report of our committee is enclosed. As indicated in its report, our committee is willing to assist MARC in the preparation of a suitable model ordinance.

Very truly yours,

B. J. Stables, P.E.
Chairman, PEPP Section

C. A. Mauch, P.E.
President

amt
Enclosure



PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE SECTION

WESTERN CHAPTER

MISSOURI SOCIETY OF PROFESSIONAL ENGINEERS

March 14, 1975

Mr. B. J. Stables, P.E.
Chairman, PEPP Section
P. O. Box 8405
Kansas City, Missouri 64114

Re: Model Sediment and Erosion
Control Ordinance

Dear Mr. Stables:

As professional engineers, we are acutely aware of problems caused by inadequate design of storm drainage and erosion protection facilities. Certainly adequate control is essential. However, we believe that this control can best be provided at the local level through subdivision regulations, storm drainage design criteria, zoning controls, and building codes. Public works officials and local governing bodies in our metropolitan area are exercising increasing local control and regulation over storm drainage design within their communities. We encourage them to continue in their diligence to preserve land values, to prevent erosion and sedimentation, to improve drainage facilities, and to preserve the natural beauty and aesthetics of the community.

As a committee of the Professional Engineers in Private Practice Section of the Missouri Society of Professional Engineers, we have reviewed the proposed "Model Sediment and Erosion Control Ordinance" distributed by MARC at a meeting on February 11, 1975, and the "Standards and Specifications for Erosion and Sediment Control in Urban Areas" of the Mid-America Association of Conservation Districts which was subsequently distributed.

It is our opinion that promulgation and adoption of the proposed ordinance would be disruptive and would not accomplish the intended purpose of improving erosion and sediment control. Our opposition to the proposed ordinance stems from the following factors:

1. The program, if adopted, could result in substantial delays in project planning and completion due to preliminary survey and construction requirements and the time needed for review by the Soil Conservation Service.
2. The definition of projects to be covered by the ordinance is extremely broad. Only agricultural projects are excluded. Many other types of projects are presently reviewed and controlled to minimize any adverse effects, such as highways, water distribution systems, sewer systems, storm sewers, and sanitary landfills. When those and all public works projects are excluded, there is serious question whether enough remains to justify the need for an ordinance.

Mr. B. J. Stables
Chairman, PEPP Section
Kansas City, Missouri

- 2 -


March 14, 1975

3. Neither the Soil Conservation Service nor the cities in the area presently have the staff which would be required to perform the required reviews.
4. The cities would be required to enforce the ordinance. This would be difficult and costly for small communities which do not have a technical staff.
5. The added cost to developers may be substantial and the delays resulting could be disastrous in today's financial climate. The ordinance would create a strong disincentive to development in any city which adopts the ordinance.
6. The "Standards and Specifications" distributed are incomplete and poorly written for use as a form of code. They are neither standards nor specifications and would have to be completely rewritten to serve as a guide for enforcement.
7. The criminal penalties for violation appear to be inappropriate as a method of enforcing this type of ordinance. A bond would appear to be a better technique.
8. A use permit seems particularly out of place and unenforceable in this type of ordinance.

If an erosion and sediment control ordinance is deemed necessary, we suggest that a better approach would be to adopt Chapter 70 of the 1973 Edition of the Uniform Building Code. This Code is widely used in the area and readily available to all persons who may have a need to refer to it. The Uniform Building Code is kept up-to-date by an organization of knowledgeable building officials and is practical to enforce.

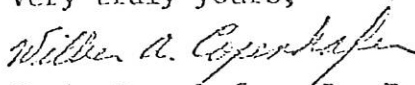
The responses to our draft from Jack D. White, Codes Administrator of Kansas City, Missouri; James L. Hutton, Jr. representing the Builders' Association of Missouri; and Don D. Hurlbert, City Engineer of Kansas City, Missouri are attached. Several other persons furnished us copies of their letters to Mid-America Regional Council supporting our position.

Our committee stands ready to assist in the preparation of a reasonable model ordinance, but we cannot support the present draft.


August Borgina, Jr. P.E.


R. E. Vansant, P.E.

Very truly yours,


W. A. Copenhafer, Jr. P.E.
Chairman


E. E. Brown, P.E.



City of Kansas City, Missouri
Heart of America

Public Works Department Area Code 816

Buildings & Inspections

Building Code Eng	274-1464
Plan Checking Eng	274-1564
Superintendent	274-2462
Building Inspections	274-1371
Dangerous Buildings	274-2568
Electrical Inspections	274-2467
Environment Inspections	274-2527
Housing Inspections	274-1386
Mechanical Inspections	274-1271
Permits	274-1564
Property Conservation	274-2462

18th Floor, City Hall
Kansas City, Missouri 64106

March 7, 1975

Mr. Bob Vansant, J.D., P.E.
% Black & Veatch
P. O. Box 8405
Kansas City, Missouri

Re: Sediment and Erosion Control Ordinance

Dear Bob:

After reviewing the enclosures that you have forwarded regarding reference ordinance, this office would tend to take the following position:

The Codes Administration Division does not support the ordinance proposal for two reasons, i.e.

1. Such an ordinance delegates authority for supervision of technical review to a third party governmental agency.
2. The scope of this proposed ordinance is already contained in Chapter 70 of the Uniform Building Code Appendix which could be adopted as an integral part of the Building Code. The preponderance of jurisdictions in the Metropolitan Kansas City area use the Uniform Building Code. Therefore, implementation of such an ordinance on a uniform basis, would take a minimum of effort.

Very truly yours,

Jack D. White
Jack D. White, P.E.
Codes Administrator

CDA/JDW/gw

UILDERS' ASSOCIATION
MISSOURI

Office

531-4741 AC 816

Jefferson City Office

Phone 635-3819 AC 314

2 West 39th St.

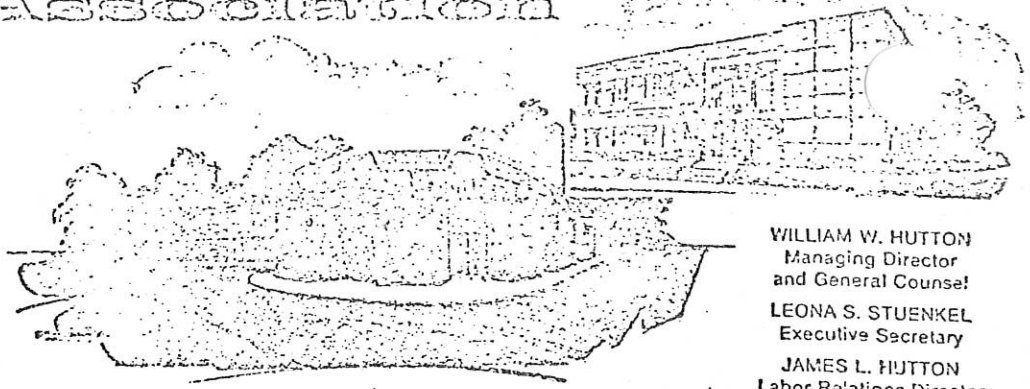
509 Mo. Blvd. Suite 5

Kansas City, Mo. 64111

Jefferson City, Mo. 65101

MAR 7

1975



WILLIAM W. HUTTON
Managing Director
and General Counsel
LEONA S. STUENKEL
Executive Secretary
JAMES L. HUTTON
Labor Relations Director
WILLIAM P. BROWNING
Jefferson City Office

March 5, 1975

Mr. Wilber A. Copenhafer, P.E.
George Butler Associates
4210 Johnson Drive
Shawnee Mission, Kansas 66205

Dear Mr. Copenhafer:

I received your letter dated February 27, 1975 concerning the proposed Sediment and Erosion Control Ordinance. I have had several conversations with some of our members and their comments and opinions are very similar to the rough draft you enclosed in your letter to me. I believe you have covered the area thoroughly in your rough draft and my only comment concerning it is that we hardly agree with what you have said.

If I can be of any help in the future, please advise me.

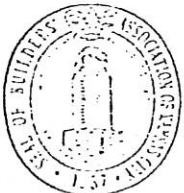
Sincerely yours,

BUILDERS' ASSOCIATION of MISSOURI

James L. Hutton, Jr.
James L. Hutton, Jr.

JLH/css

Our 87th Year



J. R. Senter, President

OFFICERS and DIRECTORS

Don E. Sharp, First Vice-President

Shelton C. Howard, Second Vice-President

William D. Sanders, Treasurer

Edwin D. Armon

W. T. Bruce

D. F. Cahill

Thomas M. Fitch

W. O. Gooch

Julian Knopke

Joseph A. Maderak

Timothy Rohrer

W. H. Simon

William W. Weeks

James L. Young



City of Kansas City, Missouri
Heart of America

19th Floor, City Hall
Kansas City, Missouri 64106

March 4, 1975

Mr. Wilber A. Copenhafer, P.E.
George Butler Associates
4210 Johnson Drive
Shawnee Mission, Kansas 66205

Dear Mr. Copenhafer:

I have reviewed your draft response to the Mid-America Regional Council concerning the "Model Sediment and Erosion Control Ordinance."

1. The language would be more appropriate if it indicates that the ordinance - "could" result in substantial delays ----- . I personally feel that the City has control over the administration and thereby could set up the requirement very early in the process so that - no - delay would result, that is, parallel process rather than linear process.
2. Projects, private or public, should be reviewed prior to the taking of bids for the potential adverse effect onto downstream properties, even agricultural activities. But how do you do it practically? We now consider all effects during our design review phase of all public projects but we do not at present review the effects of private projects. It seems to me that your paragraph 2 would be correct if you would indicate that "many other types of projects are presently reviewed and controlled to minimize any adverse effects, such as highways, water distribution systems, sewer systems, storm sewers, and sanitary landfills", striking out the words "should also be excluded", and the rest of the paragraph would then stand.
3. O.K.

3/4/75

Mr. Wilber A. Copenhafer:

Page 2

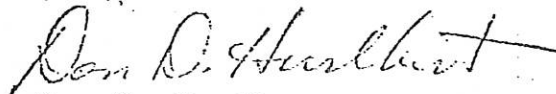
4. O.K.
5. The added cost to developers "may" be substantial and any delays resulting from the review or the additional work necessary "could" be disastrous in today's financial climate. Last sentence o.k.
6. I have not seen the Standards and Specifications so I cannot comment on paragraph 6.
7. Concur.
8. Concur.

I generally concur with the substance of your draft. I feel that a common subdivision regulations which permit the local authority to protect downstream property owners from upstream development, administered by professional engineers engaged in the practice, should circumvent the extensive erosion and sediment problems. I do feel that we need a common ground from which to work so that all local authorities have the same requirement.

I concur in the adoption of Chapter 70 of the 1973 Edition of the Uniform Building Code. This really is the only weakness in Kansas City's review process and I have recommended same to our Codes Administrator, Jack White, so that at the next review that portion of the Uniform Building Code could be adopted by the City.

I hope the above comments are of some benefit to you in your review process. Thank you for the opportunity to comment.

Sincerely yours,



Don D. Hurlbert, P.E.
City Engineer

Mr. Thomas M. Colgrove
9024 Rosewood Drive
Prairie Village, Kansas 66207

March 3, 1975

Mr. Richard F. Davis, Executive Director
Mid-America Regional Conference
20 West 9th Street
Kansas City, Missouri 64105

Re: Model Sediment and Erosion Control
Ordinance

Dear Mr. Davis:

Unfortunately members of our organization were not able to attend the MARC Conference, February 11, 1975, dealing with this proposed ordinance. However, since that time we have been able to meet and review the first draft of this model ordinance and we would like to make the following general comments:

1. In the past and more recently during the period of the 1960's there was considerable land development that did not recognize the resulting long or short range effects on the environment. More recently public awareness of these problems has stimulated lending institutions and developers toward more intensive analysis of the land which has included the uses imposed and the methods by which these uses may be developed with minimal disruption. Consequently, most local governing agencies, large and small, are aware of and insist on "good" development practices.
2. The imposition of the broad scope of regulatory criteria set forth in this ordinance could not be satisfactorily administered by most of the governing agencies in the metropolitan area because of increased staff and other costs required. This could lead to various types of cost-saving operational procedures that would do more harm than good to the community and its governing body.

For example, St. Louis County currently has a waste water control ordinance requiring retention basins, sodded drainage swales and several other procedures. It is generally felt that the administration of the ordinance has done nothing more than to increase building costs.

3. This type of regulation would tremendously increase pre-development costs which are already high due to the factors mentioned in paragraph one. In some instances, we feel that this might stop initial investigations into proposed developments prior to preliminary analysis and feasibility studies.

More specifically, we feel that the proposed ordinance, and the accompanying standards and specifications do not achieve their intended purpose and we are opposed to this measure as it now stands because of the following factors:

1. It requires a considerable amount of duplication of information normally submitted with working drawings.
2. Problems encountered on major projects that require considerable time to complete have not been thoroughly considered.
3. Local governing agencies that do not have technical personnel on their staff would be unable to administer this ordinance. Projects overlapping two or more jurisdictions would create additional inequities.
4. Requirements set forth in the "Standards and Specifications" seem to be unclear and would be somewhat difficult to enforce as a code.

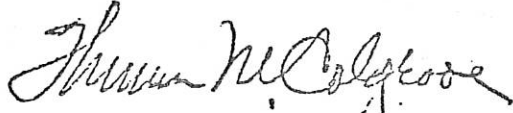
As professional landscape architects we are concerned about the environment and the abuses which have occurred as a result of poor land planning. We also believe that in many areas more stringent requirements may be necessary regarding drainage, erosion control and preservation of existing natural features. However, we feel that this might best be accomplished at the local level and that MARC might better influence these local units of government by informing them of various techniques to regulate these problems that would be less difficult to administer. Such as, updated zoning controls, subdivision regulations, building codes and feasible methods to acquire and/or preserve open space.

The Missouri Association of Landscaps Architects recognizes and appreciates the problems encountered by the MARC Committee in attempting to provide criteria that will improve and enhance the metropolitan areas. We will be happy to act as a contributing organization

Page 3

to assist this committee in the preparation of a more meaningful model ordinance for sediment and erosion control.

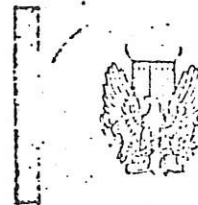
Sincerely yours,



Thomas M. Colgrove
Secretary, M.A.L.A.

TMC:pf

MAR 10 1975



MARCH 7, 1975

Please Reply:
1021 Pennsylvania
Kansas City, Missouri 64105

MR. RICHARD F. DAVIS, EXECUTIVE DIRECTOR
MID-AMERICA REGIONAL COUNCIL
20 WEST 9TH STREET
KANSAS CITY, MISSOURI 64105

RE: MODEL SEDIMENT AND EROSION
CONTROL ORDINANCE

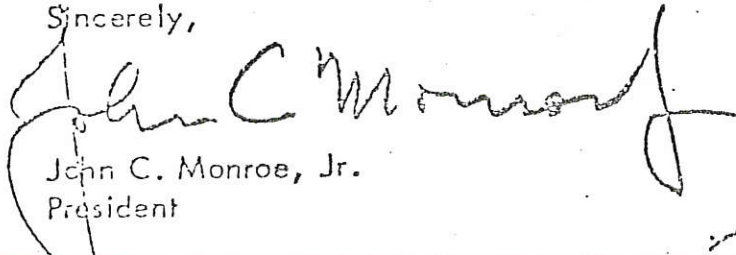
Dear Mr. Davis:

We have reviewed the proposed Model Sediment and Erosion Control Ordinance and wish to advise you we are opposed to this ordinance for numerous reasons. It is our opinion that we have enough controls under existing ordinances in law without the addition of another bureaucratic requirement which adds additional costs to a project by causing delays and consuming time.

It seems that every governmental or planning agency expends an inordinate amount of time attempting to promulgate ordinances which will serve their own self-seeking purposes of justifying their existence and continued growth as an empire building segment of our government. We could analyze this proposed model ordinance section by section developing and substantiating our objections in each particular instance. We do not wish to enter into this type of discussion since it would probably be misunderstood and assumed by those proposing this that we would accept the ordinance if the wording were changed.

Please understand that we as professionals understand our professional responsibility to our community and environment and intend to promote and expand more judicious approaches to proper environmental control. We do not, however, believe that the expansion of bureaucratic requirements is a proper solution in this particular instance.

Sincerely,


John C. Monroe, Jr.
President

cc: Messrs. Colgrove, Tierney, Copenhagen, Hutton, Pearce

FRANKLIN COUNTY SOIL CONSERVATION DISTRICT

209 West Second Box 11

Phone 913 242-1109

OTTAWA, KANSAS 66067

O. J. ...

The Franklin County Conservation District endorses the recommendations of the Kansas Association of Conservation Districts. The recommendations are:

- (1) State legislation on erosion-sedimentation be enacted during 1976 with a reasonable district enforcement date. The proposed bill will:
 - (a) Include all land under provisions of sediment abatement law-- rural, urban, private, and public.
 - (b) Give leadership and control to Conservation District Boards.
 - (c) Hold landowners responsible for sediment but provide that persons having and following approved conservation plans are in compliance with law.
 - (d) Recommend public cost sharing on permanent land treatment practices (as determined by districts) at levels of 75 percent of actual costs.
 - (e) Incorporate a local appeal procedure to settle disagreements and to modify plans.
 - (f) Assign Kansas Conservation Commission leadership of the erosion-sediment abatement program at state level.
 - (g) Resolve that sedimentation caused by "acts of nature" (floods, downpours, long periods of drought) are the responsibility of all citizens.
 - (h) Provide for enforcement, including penalties.

- (2) Continuation of a voluntary conservation program at district level for a reasonable length of time to permit individuals to get conservation plans and practices established before being faced with complaints or penalties for excessive soil loss. During this time the KACD Board would:
 - (a) Give strong educational emphasis for managing land to reduce erosion and sedimentation.
 - (b) Stress importance of updating farm conservation plans, and making progress toward completion.
 - (c) Encourage application of conservation techniques on construction sites and road grading projects.
 - (d) Seek long term contracts in getting orderly conservation practices on agricultural lands.

FRANKLIN COUNTY
SOIL CONSERVATION DISTRICT

209 West Second Box 11

Phone 913 242-1109

OTTAWA, KANSAS 66067

- (3) Revision of the National Water Quality Law goals. Two features need to be changed:
- (a) Zero discharge of pollutants from non-point sources into navigable waters of the United States should be extended to a more reasonable rate.
 - (b) Timetable for bringing non-point pollution under control by 1985 is unrealistic.

Senate Bill # 12 introduced during the 1974-75 Kansas Legislative session contains many of the provisions listed above. However, amendments need to be made. Cost sharing and sediment caused by "acts of nature" are two points that need legislative attention.

Kansas Association of Conservation Districts Board:

Wendell Eggerman
Robert Paris
Robert Binder
E. E. Jabes
Lynn Buerki

FRANKLIN COUNTY CONSERVATION DISTRICT BOARD OF SUPERVISORS

Leslie C. Hunter Albert Dunbar
Edwin Harstick Paul B. Van Horn
Arthur Rockhold



Morris County Conservation District

P.O. Box 316 - Council Grove, Kansas 66846

B. J. ...

Senator Vincent E. Moore, Chairman and Members
Legislative Committee on Energy & Natural Resources

Mr. Chairman & Committee Members:

The Morris County Conservation District considers its record in the protection of soil and water resources in the past forty years as outstanding. The farmers and ranchers of this district have made great strides by applying measures to protect and improve these soil and water resources. In evaluation of the present status of conservation practices, we find proof that training, knowledge and experience have made our county district an improved resource area in our state.

However, even with this fine action on the part of some or even most land-occupiers in our district, it is disheartening to discover many acres untended in regard to sediment and erosion control. This large segment of land is of prime concern to our district.

In the years ahead as society's demands' focus on food and fiber and as implementation of the Water Quality Act of 1972 moves steadily towards its deadline date prior to the next century, it seems to us very necessary for local control to be exercised rather than that of other federal forces.

Many students of soil and water conservation, for years have shown concern on the other hand for a need, regardless of impending laws, for a more comprehensive pattern of resource protection. This is the main thrust in the Kansas Task Force recommendations on Sediment and Erosion Control.

In consideration of these various facts, the Morris County Conservation District recommends that conservation districts, with their proven expertise, be designated the leadership and control responsibilities outlined in Senate Bill 12.

The State Conservation Commission is the very logical state agency to be entrusted to set up state guidelines for the control of erosion and sedimentation.

We request the Legislative Committee on Energy and Natural Resources to support the provisions of Senate Bill 12.

Morris County Conservation District

Robert Gieswein, Chairman
Harold Johnson
Arley Davis
William Cashman
Charles Dalquest

MEMO 11 1975
Olathe

Memo from
Mason Flora

Harveyville, Kansas 66431
Sept. 10, 1975

Senator Vincent E. Moore
Chairman, Legislative Committee on
Energy and Natural Resources
P.O. Box 1521
Wichita, Kans. 67203

Dear Senator Moore:

I understand that there will be a hearing on Senate
Bill 12 in Olathe on Sept. 23, but do not have the
location and time.

I would appreciate being allowed to testify, and
also that you will notify me if you will give me time,
and the details of the meeting.

Sincerely,

Mason Flora

Mason D. Flora
Past President, KACD
Chairman, Wabaunsee County Conservation District



Wyandotte County Conservation District

1709 North 98th St. - Kansas City, Kansas 66111 - Phone: 334-1590

D. [Signature]

September 23, 1975

STATEMENT

The Wyandotte County Conservation District Board of Supervisors want to go on record as favoring the general idea of SENATE BILL 12, recognizing the need for sediment control legislation with local control, rather than and in preference to, legislation on the federal level.

We recognize certain things about SENATE BILL 12 will need to be changed, particularly the funding section, and the penalty section. Funding on projects where the cost is greater than the return to landowners, should be spelled out specifically, so as to relieve the landowners financial responsibility. Penalties should be adequate to assure compliance but scaled down from the present form, particularly each day violations.

Consideration should be given to the workload placed on district supervisors, who are at present unpaid volunteers.

To review all the potential plans submitted within the suggested time limit, would be physically impossible. Consideration should be given to the personnel ceiling placed upon the Soil Conservation Service, whom districts rely on for technical assistance.



Douglas County Conservation District

P.O. Box 3266 : Lawrence, Kansas 66044

DeLoe

BOARD OF SUPERVISORS

ORVIL POHL
Route 1
Baldwin, Kansas

CARL SPRAY
547 Schwartz Road
Lawrence, Kansas

RAYMOND NICHOLS
RR 1
Lecompton, Kansas

DON PALMATEER
RR 4
Lawrence, Kansas

HERSCHEL HEMPHILL
RR 2
Baldwin, Kansas

We recommend that water quality standards and regulations be adopted on a regional basis.

We strongly support the concept of clean water, but we will object to regulations of water use, stream quality standards, or regulations of the agricultural industry that are not based on scientific research and sound judgment or regulations which are unrealistic and drawn in such a manner as to jeopardize agricultural production in Kansas.

we would support continuing the present voluntary program of soil and water conservation with proper financial assistance with equal sharing of State and Federal funding.

Orvil Pohl - Chairman

Raymond Nichols - Sec.

011 2
September 22, 1975

Kansas Legislator's Special Committee on
Energy and Natural Resources
c/o State Conservation Commission
Room 406, Mills Building
Topeka, Kansas 66612

Re: Proposed Erosion and Sedimentation
Control Legislation (S.B. 12)

Gentlemen:

The proposed legislation is very similar to a model GRADING, EROSION AND CONTROL ORDINANCE which was being considered for adoption by the Mid-America Regional Council located in Kansas City.

Representatives from local units of government, the Home Builder's Association Builder's Association and many professional organizations were requested to attend a meeting on February 11, 1975 and comment on the proposed ordinance. I was asked to attend this meeting on behalf of the Missouri Society of Professional Engineers.

Upon completion of this meeting, Mid-America Regional Council received letters from almost every organization represented at the meeting objecting to the ordinance. Copies of some of these letters are enclosed. Please note that Representative Bogina served on the Missouri Society of Professional Engineer's Committee which objected to the ordinance in its present form. As a result of these objections, and after several subsequent meetings hosted by M.A.R.C., it has been decided to rewrite the ordinance so that it could be accepted by all parties involved (ie: The Builder, the City or other local governmental agency, the Conservation District, and the Engineer, Landscape Architect or other Professional assisting on the project).

The new ordinance is approximately one-half completed, and should be finished within two months.

The Committee working on this new ordinance requests that Kansas S.B.-12 be delayed until the ordinance is available for study by the Special Committee.

page 4
September 22, 1975

If you need additional information, please contact Mr. Gordon
Marking with MARC or myself. Thank you.

Very truly yours,

GEORGE BUTLER ASSOCIATES

Wilber A. Copenhafer

Wilber A. Copenhafer, P.E.

WAC:pf

Suite 305 A

4210 Johnson Drive

Shawnee Mission, KS, 66205

HOME BUILDERS ASSOCIATION
OF GREATER KANSAS CITY

3501 MAIN STREET • KANSAS CITY, MO. 64111

PHONE 816-753-6000

LEO D. MULLIN—executive vice president

March 4, 1975

OFFICERS 1975
ROSS B. WYSS
President
RICHARD T. MIKA
Vice President
JAMES AL CAMPBELL
Secretary
RICHARD D. MATHER
Treasurer
JAMES L. YOUNG
Immediate Past President

PRESIDENTS
Robert A. Miller
Glen L. Bohan
John H. Meffert
Robert L. Ewing (a)
2. D. Taylor
Glen L. Bohan
Robert W. Rein
Ed F. Sanders
Dennis C. Stewart
Charles W. Stratford
John A. Wiseman (a)
Joy H. Woodruff
Larry A. Wyss

AREA VICE PRESIDENTS
JAMES G. TRIMBLE
Cov County
RONALD CLEVELAND
Pike County
MIKE L. JONES
Eastern Jackson County
D. GARY BARNHART
Northwest Jackson County
EDWARD S. THOMSON
South Jackson County
ROBERT O. WOODRUFF
North Jackson County
ROBERT L. RIENE
South Jackson County
KENNY H. RIFFE
Kansas City, Missouri
DONALD R. MATHER
Wyanotte County

NATIONAL OFFICERS
Donald Albert
Charles E. Coward
Charles W. Kraft
John H. Meffert
Ross B. Wyss
James L. Young
*Charles E. Beckley
*Melvin H. Cumpson
*A. C. Lonsworthy, Sr.
*J. D. Spear
*Ralph O. Taylor, Jr.
*Quinton R. Wells
*Larry Wien, Jr.
ALTERNATES
Glen L. Bohan
James M. Campbell
Richard D. Miller
Richard T. Mika
Edwin D. Reppas
Charles W. Stratford

PAST PRESIDENTS
James L. Young—1974
Charles W. Kraft—1973
Donald D. Albert—1972
John H. Meffert—1971-72
William W. Sanders—1969
Charles E. Coward—1968
John A. Wiseman—1967
Charles E. Coward—1965
*William V. Thompson—1964
John G. Zimmerman—1964
*George W. Davis—1963
Alex S. Bassam—1962
M. David Egan—1961
Quinton R. Wells—1960
J. D. Spear—1959
Rosa P. Evers—1958
Jack L. Spear—1957
E. R. Elgin—1956
A. C. Lonsworthy, Sr.—1955
Larry Wien, Jr.—1954
Stanley W. Coward—1953
Ralph O. Taylor, Jr.—1952
John H. Meffert—1951-52
George W. Miller—1948
John V. Walker, Jr.—1947
*H. V. Smith—1946
*Emory J. Schuyler—1945-46
*John W. White, Sr.—1944-45
*Frederic L. Davis—1943-44
George M. Sieman, Jr.—1942-43

ED J. KOVARS
Executive Secretary
DOUGLAS J. PATTERSON
General Counsel
STEVEN L. FREY
HON. Admin. Director
(a) Associate Director
*Honorary Life Director
**Deceased

Mr. Richard F. Davis, Executive Director
Mid-America Regional Council
20 West 9th Street
Kansas City, Missouri 64105

RE: Sediment and Erosion Control Ordinance as proposed by Mid-America Regional Council

Dear Mr. Davis:

As you may be aware, members of the Home Builders Association and myself have attended the two public hearings thus far on the above cited ordinance. As per a conversation with your legal counsel, Joe James, on March 3, 1975 I am submitting comments today as a result of the February 11th hearing at the offices of the Mid-America Regional Council concerning this ordinance.

1. In its present form, and if adopted, the above referenced ordinance would cause considerable delays in review of project plans, and of course, thereby result in delays in completion of construction schedules for development projects.

2. At the above February 11th meeting it was noted that Standards were not provided in the ordinance for the control of sediment and erosion and at that time we asked that copies of these Standards and Specifications be mailed to individuals present for their review in connection with the ordinance. These Standards and Specifications have been received and while they do provide some insight into what is expected by the Soil Conservation Service, it should be pointed out to the Mid-America Regional Council that these Standards and Specifications overlap and differ in many areas with the Standards and Specifications for storm sewer design as published by the American Public Works Association, Kansas City Chapter. Since the aforementioned APWA specifications are in wide usage in the Kansas City Metropolitan area, I believe it behooves the Home Builders Association to suggest to the Mid-America Regional Council and the Soil Conservation Service that these specifications be rewritten in light of this fact so that overlaps and the incongruities do not come about as a result of Standards and Specifications being prepared by two separate



bodies.

3. At the meeting it was pointed out that the Soil Conservation Service does not presently have staff members available to review erosion control plans for developments in the event that this proposed ordinance comes into wide usage in the Kansas City Metropolitan area, and especially should the larger cities in the Metropolitan area adopt the proposed ordinance.

4. As Home Builders we should protest the writing of an ordinance which excludes land being developed for agricultural use and land being developed for highway purposes. Since these two areas have been excluded, our position should be that the remaining development is not significant to justify the need of such an ordinance at this time. At that meeting when asked to give information concerning the magnitude of the overall problem in order that a determination could be made concerning the effectiveness of the proposed ordinance, the Soil Conservation Service indicated that there are no test studies available in the midwestern area to indicate the overall magnitude of the problem. Again, the Home Builders position on this should be that we oppose the creation or passage of an ordinance for the control of Sediment and Erosion when no one has any information or idea of the magnitude of the problem which needs solving. As a result of this, any ordinance may be inadequate since we do not know what is needed.

5. It became obvious from the discussion at the above meeting that the definition of projects to be covered by the ordinance and their size, or lack of size, should be clarified to a much greater extent.

6. This ordinance would have to be accepted and passed by cities who then would be required to enforce the ordinance thus creating two major problems. In the larger cities this would require the significant addition of budget funds, which are extremely hard to come by in today's economy, and secondly, in the smaller cities no technical staff is available to handle and process the requirements of this ordinance. Therefore, I would suggest that the Home Builders indicate that at this time they would be opposed to the publishing of this proposed ordinance until such problems can be resolved, or, that the proposed ordinance be enforced by other authorities.

As a result of the above comments I would suggest that the Home Builders take a position as follows:

As Home Builders we are acutely aware of the problems caused by inadequate control of sediment and erosion. We would agree that controls are necessary, but we believe these controls should be provided on the local level, not by the adoption of another ordinance but by existing subdivision regulations, storm drainage design criteria, zoning controls and building codes. It is apparent,

Mr. Richard F. Davis

March 4, 1975

Page 3

that local officials are exercising increased control and regulation over such systems within our communities. We believe our local officials should be encouraged to continue these practices to prevent erosion, sedimentation, poor drainage facilities and to preserve land values as well as the natural beauty and esthetics of the community. However, the creation of another reviewing agency with broad powers, staffed by additional tax supported employees at great expense to the tax payers, additional delays to the land developer, thereby creating additional cost and perhaps a reduction in land values, would produce a net loss to the community. This will produce the effect of discouraging further development in the metropolitan area because of costs and delays. We can agree with the objectives of the proposed ordinance, but we cannot agree with the review procedures and with the inadequacies of the standards in light of present development standards for storm sewers and erosion control.

Sincerely,



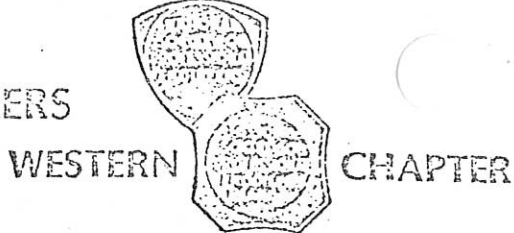
Ronald D. Talcott, Chairman
Public Affairs Committee
Home Builders Association of
Greater Kansas City

RDt:cb

CC: Leo D. Mullin, Executive Vice President
Home Builders Association of Greater Kansas City

Ross B. Wyss, President
Home Builders Association of Greater Kansas City

MISSOURI SOCIETY OF PROFESSIONAL ENGINEERS



March 17, 1975

PRESIDENT
CLIFF A. MAUCH, P.E.
Bank and Trust
P.O. Box 4425
Kansas City, Missouri 64114
341-7500

PRESIDENT-ELECT
DAVE D. RUFF, P.E.
Bank and Trust
P.O. Box 4425
Kansas City, Missouri 64114
341-7500

VICE PRESIDENT
THOMAS C. BIRNHOOD, P.E.
A.C. KENNEDY AND ASSOCIATES
700 The Pines
Kansas City, Missouri 64114
341-2277

SECRETARY
JOHN W. HARRISON
Bank and Trust
P.O. Box 4425
Kansas City, Missouri 64114
341-7500

TREASURER
THOMAS C. BAKER, JR.
Southwestern Bell Tel. Co.
1145 Grand
Kansas City, Missouri 64116
234-0275

ADMINISTRATIVE ASST.
WES. LEE ADDINGTON
Missouri Highway Department
9147 E. 31st Street
Kansas City, Missouri 64113
524-1154

CHAPTER DIRECTOR
JOHN S. GLEN, P.E.
KENNETH C. MUELLER, P.E.
PAUL L. ANGELES, P.E.
ROBERT G. RUSCH, JR., P.E.
GEORGE WOLF, JR., P.E.
EDDIE F. BRUCE, P.E.

STATE DIRECTORS
JAMES R. WRIGHT, P.E.
GEORGE L. SATTISFEE, JR., P.E.
JEROME F. FLAGG, P.E.
DONALD L. FRITS, P.E.
JOHN W. HOLLS, P.E.
JACK D. WHITE, P.E.
THEODORE J. CAMBERN, P.E.

Mr. Richard F. Davis, Executive Director
Mid-America Regional Council
20 West 9th Street
Kansas City, Missouri 64105

Re: Model Sediment and Erosion
Control Ordinance

Dear Mr. Davis:

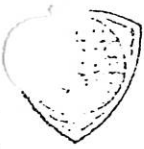
As indicated in our letter dated February 28, 1975, the official report of our committee is enclosed. As indicated in its report, our committee is willing to assist MARC in the preparation of a suitable model ordinance.

Very truly yours,

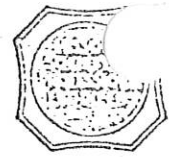
B. J. Stables, P.E.
Chairman, PEPP Section

C. A. Mauch, P.E.
President

amt
Enclosure



PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE SECTION



WESTERN CHAPTER

MISSOURI SOCIETY OF PROFESSIONAL ENGINEERS

March 14, 1975

Mr. B. J. Stables, P.E.
Chairman, PEPP Section
P. O. Box 8405
Kansas City, Missouri 64114

Re: Model Sediment and Erosion
Control Ordinance

Dear Mr. Stables:

As professional engineers, we are acutely aware of problems caused by inadequate design of storm drainage and erosion protection facilities. Certainly adequate control is essential. However, we believe that this control can best be provided at the local level through subdivision regulations, storm drainage design criteria, zoning controls, and building codes. Public works officials and local governing bodies in our metropolitan area are exercising increasing local control and regulation over storm drainage design within their communities. We encourage them to continue in their diligence to preserve land values, to prevent erosion and sedimentation, to improve drainage facilities, and to preserve the natural beauty and aesthetics of the community.

As a committee of the Professional Engineers in Private Practice Section of the Missouri Society of Professional Engineers, we have reviewed the proposed "Model Sediment and Erosion Control Ordinance" distributed by MARC at a meeting on February 11, 1975, and the "Standards and Specifications for Erosion and Sediment Control in Urban Areas" of the Mid-America Association of Conservation Districts which was subsequently distributed.

It is our opinion that promulgation and adoption of the proposed ordinance would be disruptive and would not accomplish the intended purpose of improving erosion and sediment control. Our opposition to the proposed ordinance stems from the following factors:

1. The program, if adopted, could result in substantial delays in project planning and completion due to preliminary survey and construction requirements and the time needed for review by the Soil Conservation Service.
2. The definition of projects to be covered by the ordinance is extremely broad. Only agricultural projects are excluded. Many other types of projects are presently reviewed and controlled to minimize any adverse effects, such as highways, water distribution systems, sewer systems, storm sewers, and sanitary landfills. When those and all public works projects are excluded, there is serious question whether enough remains to justify the need for an ordinance.

Mr. E. J. Stables
Chairman, PEPP Section
Kansas City, Missouri

- 2 -

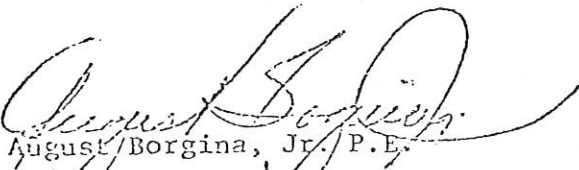
March 14, 1975


3. Neither the Soil Conservation Service nor the cities in the area presently have the staff which would be required to perform the required reviews.
4. The cities would be required to enforce the ordinance. This would be difficult and costly for small communities which do not have a technical staff.
5. The added cost to developers may be substantial and the delays resulting could be disastrous in today's financial climate. The ordinance would create a strong disincentive to development in any city which adopts the ordinance.
6. The "Standards and Specifications" distributed are incomplete and poorly written for use as a form of code. They are neither standards nor specifications and would have to be completely rewritten to serve as a guide for enforcement.
7. The criminal penalties for violation appear to be inappropriate as a method of enforcing this type of ordinance. A bond would appear to be a better technique.
8. A use permit seems particularly out of place and unenforceable in this type of ordinance.

If an erosion and sediment control ordinance is deemed necessary, we suggest that a better approach would be to adopt Chapter 70 of the 1973 Edition of the Uniform Building Code. This Code is widely used in the area and readily available to all persons who may have a need to refer to it. The Uniform Building Code is kept up-to-date by an organization of knowledgeable building officials and is practical to enforce.

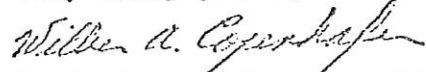
The responses to our draft from Jack D. White, Codes Administrator of Kansas City, Missouri; James L. Hutton, Jr. representing the Builders' Association of Missouri; and Don D. Hurlbert, City Engineer of Kansas City, Missouri are attached. Several other persons furnished us copies of their letters to Mid-America Regional Council supporting our position.

Our committee stands ready to assist in the preparation of a reasonable model ordinance, but we cannot support the present draft....


August Borgina, Jr. P.E.


R. E. Vansant, P.E.

Very truly yours,


W. A. Copenhafer, Jr. P.E.
Chairman


E. E. Brown, P.E.



City of Kansas City, Missouri
Heart of America

Public Works Department Area Code 816

Buildings & Inspections

Building Code Engi	274-1464
Plan Checking Eng.	274-1564
Superintendent	274-2462
Building Inspections	274-1371
Dangerous Buildings	274-2568
Electrical Inspections	274-2467
Environment Inspections	274-2527
Housing Inspections	274-1386
Mechanical Inspections	274-1271
Permits	274-1564
Property Conservation	274-2462

18th Floor, City Hall
Kansas City, Missouri 64105

March 7, 1975

Mr. Bob Vansant, J.D., P.E.
% Black & Veatch
P. O. Box 8405
Kansas City, Missouri

Re: Sediment and Erosion Control Ordinance

Dear Bob:

After reviewing the enclosures that you have forwarded regarding reference ordinance, this office would tend to take the following position:

The Codes Administration Division does not support the ordinance proposal for two reasons, i.e.

1. Such an ordinance delegates authority for supervision of technical review to a third party governmental agency.
2. The scope of this proposed ordinance is already contained in Chapter 70 of the Uniform Building Code Appendix which could be adopted as an integral part of the Building Code. The preponderance of jurisdictions in the Metropolitan Kansas City area use the Uniform Building Code. Therefore, implementation of such an ordinance on a uniform basis, would take a minimum of effort.

Very truly yours,

Jack D. White
Jack D. White, P.E.
Codes Administrator

CDA/JDW/gw

Builders' Association
MISSOURI

Office

531-4741 AC 816

Jefferson City Office

Phone 635-3819 AC 314

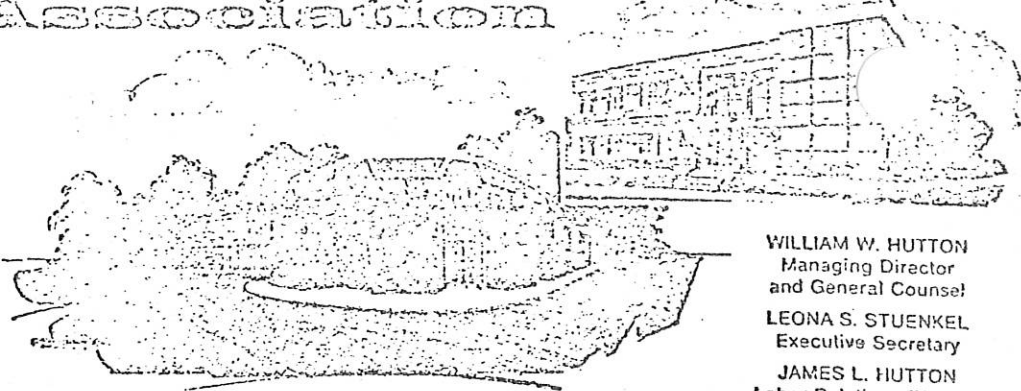
509 Mo. Blvd. Suite 5

Jefferson City, Mo. 65101

2 West 39th St.
Kansas City, Mo. 64111

MAR 7

1975



WILLIAM W. HUTTON
Managing Director
and General Counsel
LEONA S. STUENKEL
Executive Secretary
JAMES L. HUTTON
Labor Relations Director
WILLIAM P. BROWNING
Jefferson City Office

March 5, 1975

Mr. Wilber A. Copenhafer, P.E.
George Butler Associates
4210 Johnson Drive
Shawnee Mission, Kansas 66205

Dear Mr. Copenhafer:

I received your letter dated February 27, 1975 concerning the proposed Sediment and Erosion Control Ordinance. I have had several conversations with some of our members and their comments and opinions are very similar to the rough draft you enclosed in your letter to me. I believe you have covered the area thoroughly in your rough draft and my only comment concerning it is that we hardily agree with what you have said.

If I can be of any help in the future, please advise me.

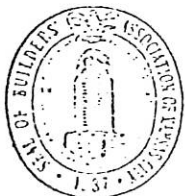
Sincerely yours,

BUILDERS' ASSOCIATION of MISSOURI

James L. Hutton Jr.
James L. Hutton, Jr.

JLH/css

Our 87th Year



J. R. Senter, President

OFFICERS and DIRECTORS

Don E. Sharp, First Vice-President

Shelton C. Howard, Second Vice-President

William D. Sanders, Treasurer

Edwin D. Ammon

W. T. Bruce

D. F. Cahill

Thomas M. Fitch

W. O. Gooch

Julian Knopke

Joseph A. Maderak

Timothy Rohrer

W. H. Simon

William W. Weeks

James L. Young



Division of Engineering

City of Kansas City, Missouri
Heart of America

19th Floor, City Hall
Kansas City, Missouri 64106

March 4, 1975

Mr. Wilber A. Copenhafer, P.E.
George Butler Associates
4210 Johnson Drive
Shawnee Mission, Kansas 66205

Dear Mr. Copenhafer:

I have reviewed your draft response to the Mid-America Regional Council concerning the "Model Sediment and Erosion Control Ordinance."

1. The language would be more appropriate if it indicates that the ordinance - "could" result in substantial delays ----- . I personally feel that the City has control over the administration and thereby could set up the requirement very early in the process so that - no - delay would result, that is, parallel process rather than linear process.
2. Projects, private or public, should be reviewed prior to the taking of bids for the potential adverse effect onto downstream properties, even agricultural activities. But how do you do it practically? We now consider all effects during our design review phase of all public projects but we do not at present review the effects of private projects. It seems to me that your paragraph 2 would be correct if you would indicate that "many other types of projects are presently reviewed and controlled to minimize any adverse effects, such as highways, water distribution systems, sewer systems, storm sewers, and sanitary landfills", striking out the words "should also be excluded", and the rest of the paragraph would then stand.
3. O.K.

3/4/75

Page 2

Mr. Wilber A. Copenhafer:

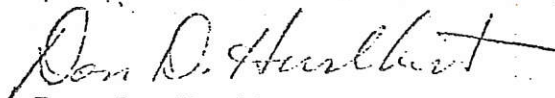
4. O.K.
5. The added cost to developers "may" be substantial and any delays resulting from the review or the additional work necessary "could" be disastrous in today's financial climate. Last sentence o.k.
6. I have not seen the Standards and Specifications so I cannot comment on paragraph 6.
7. Concur.
8. Concur.

I generally concur with the substance of your draft. I feel that a common subdivision regulations which permit the local authority to protect downstream property owners from upstream development, administered by professional engineers engaged in the practice, should circumvent the extensive erosion and sediment problems. I do feel that we need a common ground from which to work so that all local authorities have the same requirement.

I concur in the adoption of Chapter 70 of the 1973 Edition of the Uniform Building Code. This really is the only weakness in Kansas City's review process and I have recommended same to our Codes Administrator, Jack White, so that at the next review that portion of the Uniform Building Code could be adopted by the City.

I hope the above comments are of some benefit to you in your review process. Thank you for the opportunity to comment.

Sincerely yours,



Don D. Hurlbert, P.E.
City Engineer

Mr. Thomas M. Colgrove
9024 Rosewood Drive
Prairie Village, Kansas 66207

March 3, 1975

Mr. Richard F. Davis, Executive Director
Mid-America Regional Conference
20 West 9th Street
Kansas City, Missouri 64105

Re: Model Sediment and Erosion Control
Ordinance

Dear Mr. Davis:

Unfortunately members of our organization were not able to attend the MARC Conference, February 11, 1975, dealing with this proposed ordinance. However, since that time we have been able to meet and review the first draft of this model ordinance and we would like to make the following general comments:

1. In the past and more recently during the period of the 1960's there was considerable land development that did not recognize the resulting long or short range effects on the environment. More recently public awareness of these problems has stimulated lending institutions and developers toward more intensive analysis of the land which has included the uses imposed and the methods by which these uses may be developed with minimal disruption. Consequently, most local governing agencies, large and small, are aware of and insist on "good" development practices.
2. The imposition of the broad scope of regulatory criteria set forth in this ordinance could not be satisfactorily administered by most of the governing agencies in the metropolitan area because of increased staff and other costs required. This could lead to various types of cost-saving operational procedures that would do more harm than good to the community and its governing body.

For example, St. Louis County currently has a waste water control ordinance requiring retention basins, sodded drainage swales and several other procedures. It is generally felt that the administration of the ordinance has done nothing more than to increase building costs.

3. This type of regulation would tremendously increase pre-development costs which are already high due to the factors mentioned in paragraph one. In some instances, we feel that this might stop initial investigations into proposed developments prior to preliminary analysis and feasibility studies.

More specifically, we feel that the proposed ordinance, and the accompanying standards and specifications do not achieve their intended purpose and we are opposed to this measure as it now stands because of the following factors:

1. It requires a considerable amount of duplication of information normally submitted with working drawings.
2. Problems encountered on major projects that require considerable time to complete have not been thoroughly considered.
3. Local governing agencies that do not have technical personnel on their staff would be unable to administer this ordinance. Projects overlapping two or more jurisdictions would create additional inequities.
4. Requirements set forth in the "Standards and Specifications" seem to be unclear and would be somewhat difficult to enforce as a code.

As professional landscape architects we are concerned about the environment and the abuses which have occurred as a result of poor land planning. We also believe that in many areas more stringent requirements may be necessary regarding drainage, erosion control and preservation of existing natural features. However, we feel that this might best be accomplished at the local level and that MARC might better influence these local units of government by informing them of various techniques to regulate these problems that would be less difficult to administer. Such as, updated zoning controls, subdivision regulations, building codes and feasible methods to acquire and/or preserve open space.

The Missouri Association of Landscaps Architects recognizes and appreciates the problems encountered by the MARC Committee in attempting to provide criteria that will improve and enhance the metropolitan areas. We will be happy to act as a contributing organization

Page 3

to assist this committee in the preparation of a more meaningful model ordinance for sediment and erosion control.

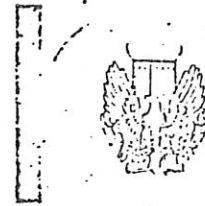
Sincerely yours,



Thomas M. Colgrove
Secretary, M.A.L.A.

TMC:pf

MAR 10 1975



MARCH 7, 1975

Please Reply:
1021 Pennsylvania
Kansas City, Missouri 64105

MR. RICHARD F. DAVIS, EXECUTIVE DIRECTOR
MID-AMERICA REGIONAL COUNCIL
20 WEST 9TH STREET
KANSAS CITY, MISSOURI 64105

RE: MODEL SEDIMENT AND EROSION
CONTROL ORDINANCE

Dear Mr. Davis:

We have reviewed the proposed Model Sediment and Erosion Control Ordinance and wish to advise you we are opposed to this ordinance for numerous reasons. It is our opinion that we have enough controls under existing ordinances in law without the addition of another bureaucratic requirement which adds additional costs to a project by causing delays and consuming time.

It seems that every governmental or planning agency expends an inordinate amount of time attempting to promulgate ordinances which will serve their own self-seeking purposes of justifying their existence and continued growth as an empire building segment of our government. We could analyze this proposed model ordinance section by section developing and substantiating our objections in each particular instance. We do not wish to enter into this type of discussion since it would probably be misunderstood and assumed by those proposing this that we would accept the ordinance if the wording were changed.

Please understand that we as professionals understand our professional responsibility to our community and environment and intend to promote and expand more judicious approaches to proper environmental control. We do not, however, believe that the expansion of bureaucratic requirements is a proper solution in this particular instance.

Sincerely,

A handwritten signature in dark ink, appearing to read "John C. Monroe, Jr.", written in a cursive style.

John C. Monroe, Jr.
President

cc: Messrs. Colgrove, Tierney, Copenhafer, Hutton, Pearce



Johnson County Soil Conservation District

P.O. Box 427 - Olathe, Kansas 66061 - Phone: PO 4-1931

B. Estlin

To the Special Committee on Conservation and Natural Resources
Public Hearing on Senate Bill No. 12
September 23, 1975
Olathe, Kansas

During the last thirty years, the Johnson County Conservation District has been giving technical assistance to landowners who wanted to apply soil conserving practices. This technical assistance was always given to landowners who voluntarily applied conservation to the land. This volunteer method has worked well, but only 50% of the needed land treatment for erosion control has resulted.

Therefore, the Johnson County Conservation District Supervisors believe that some form of legislation requiring mandatory control of erosion and sedimentation is necessary.

Realizing that state legislation must be initiated for erosion and sedimentation control in order to meet a federal mandate, please take note that it has taken thirty years to get approximately 50% of necessary land treatment needed. By 1985, the other 50% of necessary land treatment must be applied. This is just 10 short years away.

Conservation Districts must have the needed funding and adequate staffing of technical personnel in order to execute the law. These necessary funds and manpower have not been provided for in the proposed legislation.

The Johnson County Conservation District Supervisors submit the following comments of the proposed Senate Bill No. 12.

(more)

On page 2, lines 28, 29 and 30, state that the state advisory board be paid compensation, subsistence, mileage and other allowances in conducting necessary business.

The Johnson County Conservation District Supervisors believe that state funds be allowed for the local advisory board and more state funds for district supervisors in carrying out their obligations relative to this law.

On page 3, lines 20, 21 and 31, and on page 4, line 1, eludes to the amount of financial assistance recommended.

The Johnson County Conservation District Supervisors believe that a minimum of 75% federal and state cost-sharing funds be available to landowners to carry out conservation land treatment.

On page 4, line 18, it states that a designated city or county may waive said designation of responsibility.

The Johnson County Conservation District Supervisors believe that cities and counties should accept responsibility for enforcement of this proposed act and cannot waive their responsibility.

On page 5, lines 10, 11 and 12, it states that when a landowner has land in more than one district, plans for erosion and sediment may, as an alternative to submission to each district concerned, be submitted to the commission for review and approval.

The Johnson County Conservation District Supervisors believe that local districts be responsible to approve plans when the owner has land in more than one district and said districts decide which district is responsible to approve the plan.

On page 5, line 15, it states that the district shall expeditiously review plans submitted.

The Johnson County District Supervisors believe that ample time be allowed for the district to review the plans. It is hoped that this doesn't mean 10 working days as is expected for the state commission to review plans submitted. Time required would be governed by available staffing and funds to the district. No provisions are made for this additional work load. Additional staff and funds must be available.

At the present time, severe personnel ceilings are in effect for the Soil Conservation Service, whose technicians assist the districts. It is doubtful these personnel ceilings would be removed just to add Soil Conservation Service staff to Kansas Conservation Districts because of a state erosion and sediment law.

On page 5, line 17, with reference to plans meeting conservation standards.

The Johnson County Conservation District Supervisors believe that an average soil loss figure be considered as allowable over a period of years and that large storms, of course, be considered acts of God and therefore landowners not be held responsible for erosion and sediment resulting from these storms.

On page 6, lines 24 through 31, and on page 7, lines 1 and 2, states, "If there is not available to any such person at least the amount of financial assistance stated in the district or commission program for the installation of erosion and sediment control measures required in an approved farm or ranch plan, or for measures to conform agricultural and forestry practices to conservation standards established pursuant to this

act, any such person who fails to install erosion and sediment control measures required in approved farm or ranch conservation standards shall not be deemed to be engaged in prohibited land disturbing activity subject to penalties under the act."

The Johnson County Conservation District Supervisors believe that a minimum of 75% federal and state cost-share funds must be available.

On page 9, Section 7, "The Commission, districts and any city or county designated to administer the provisions of this act, are hereby authorized to receive financial, technical or other assistance from any source for use in accomplishing the purposes of this act, are hereby authorized to fix, assess and collect necessary and reasonable fees for permits and inspections pertaining thereto."

The Johnson County Conservation District Supervisors believe that expenses for approval of plans and inspections on agricultural land shall be funded by state funds.

On page 12, Section 10, part (b), "The appropriate permit-issuing authority, the district, the commission or any aggrieved person who suffers damage or is likely to suffer damage because of a violation may appeal to the district court in accordance with the rules of civil procedure for injunctive relief to enjoin a violation or threatened violation of any provision of section 4 or 6."

The Johnson County Conservation District Supervisors believe that in cases of gross violation by a landowner, contractor or a developer, the conservation districts have injunctive power to cease their operation.

Sincerely,



Harold Schlagel, Chairman
Johnson County Conservation District



Crawford County Conservation District

P. O. Box 37 Girard, Kansas 66743 Telephone 724-8231

September 23, 1975

Chomuta

Senator Vincent E. Moore
Chairman, Legislative Committee on
Energy and Natural Resources
Kansas State Government
State Capitol
Topeka, Kansas 66612

Dear Mr. Chairman and Members of the Committee:

My name is John Spurling. I am a member of the State Conservation Commission. I would like to discuss briefly a few observations relative to Senate Bill 12.

First of all Mr. Chairman, our nation is saturated with laws. We have laws regulating everything from spitting on the sidewalk to dealing with life itself, and no one is more objective to new laws than I am. But we have no laws that I know of to protect our life sustaining soil, which is one of Gods greatest gifts to mankind. In some areas of our state, what we have done to the soil entrusted to our care by our creator is a scandal and a shameful testimony to mans irresponsibility. We have ran helter skelter through our natural resources as though they will last for an eternity, but the day of reckoning is at hand.

We live in a nation that loses more than two million acres of agriculture land each year to airports, highways, urban development, etc. Our nation at one time consisted of two billion acres of forest and prairies but it is shrinking before us at every turn. Our agriculture land that is left, especially our Kansas land, must be protected by conservation measures.

I, like most farmers, and others would like to see conservation done on a voluntary basis, but I realize now this is unrealistic. We do need a law, because a lot of people still defy conservation practices and cause excessive soil erosion that ends up as pollution.

I favor Senate Bill 12 because it is an essential first step in bringing soil erosion under tolerable limits in Kansas. Senate Bill 12 puts teeth into a conservation program and gives local people the authority to get an important job done.

However I would like to see Senate Bill 12 amended to -

- Spell out cost share amounts
- Protect landowners from being held liable for violation resulting from acts of God, floods, downpours, and extended droughts.
- Soften liability penalties.
- Provide for hardship cases.

(more)

Page 2

I feel with amendments such as these to Senate Bill 12, would improve its acceptability and workability.

Senate Bill 12 is a large order. You may think that is to big an order. But large as the order is, it is not to large to attempt or to large to achieve. The Kansas people in the past have demonstrated their ingenuity and ability to fulfill larger orders than this.

But this large order will not be solved unless action is taken, and action will not be taken until people like you and me throughout the state of Kansas fully realize the nature of the problem and the need for its solution and impress upon our people and our respesentatives the necessity for action.

Mr. Chairman, I would like to thank you and the members of the committee for taking time from your busy schedule to conduct these meetings across the state to give our people a chance to express their opinions. As you fully realize when the "72 Amendment to the Pure Water Act" was passed, our people were voiceless at those committee hearings. Mr. Chairman, you and the committee are to be highly commended for choosing this course of action.

Sincerely,

A handwritten signature in cursive script that reads "John Spurling". The signature is written in dark ink and is positioned to the left of the typed name.

John Spurling
Secretary
Crawford County Conservation District



Montgomery County Conservation District

"Nurture the Topsoil"

P.O. Box 436 - Independence, Kansas 67301 - Telephone: 331-4920

September 18, 1975

Chowick

Senator Vincent Moore
Special Committee on Energy and Natural Resources
State Office Building
Topeka, Kansas 66612

Dear Senator Moore:

The Montgomery County Conservation District would like to go on record of supporting Senate Bill 12 in principle. However, the District does not or would not support such a bill if administered by another state or federal agency. The District feels that if this bill or a similar one does not have local administration, it would be very hard to live with.

The District recommends that the following changes should be made in Senate Bill 12:

1. Specify a 70-75% cost-sharing program on permanent practices.
2. Include all lands, both private & public, urban and rural.
3. Resolve that sedimentation caused by "acts of nature" (floods, downpours, long periods of drought) are the responsibility of all citizens.

The District proposes a voluntary conservation program with adequate funding and technical assistance at district level for a reasonable length of time to permit individuals to get conservation plans and practices established before being faced with complaints or penalties for excessive soil loss.

Sincerely,

William G. Huneycutt

William G. Huneycutt, Chairman
Montgomery County Conservation District

cc: State Conservation Commission
KACD Board of Directors
KACD Legislative Committee
The Nathan Hayse Special Liaison Committee

September 22, 1975

Charle

Charles E. Good, Chairman Miami County SCDB

These remarks are from my own observation and study of the problems in connection with Senate Bill No. 12.

I believe my own farm would be in compliance and would like to see every farm with some kind of a plan to eventually meet a reasonable standard.

But, and here is part of the problem, the minute you tell a landowner what he has to do on his own farm, he will probably spend more time and effort protecting his land rights than it would take to get his land in compliance.

The landowners that need the most work done on their farms are the least able to do the needed work. In order to get some of this work done on the land, I think, we would need a cost-share for the needed practices of 60% - 30% or better 60% Government - 30% Landowner.

Then if this kind of help was appreciated where would SCS get the personal to do the layout work involved?

Then you have the problem of what to do about violations. If the SCDB has the job, I think you will see a big turnover in members.

I think that until we see something realistic in the way of standards-cost share-technical help-enforcement procedure- I would rather continue education on the problem.

It is one thing to write a new law such as this and quite another to implement that ~~xxx~~ law.

Charles E. Good
Loonborg Kan.



Miami County Conservation District

10 EAST PEORIA - PAOLA, KANSAS 66071

Chanu

Phone: 294-3331

Sept. 23, 1975

To: Interim Committee on Senate Bill #12

From: David W. Wilson, Miami County Conservation District Supervisor

At the outset, I wish to state my firm support for any efforts to continue soil and water conservation in Kansas. It is gratifying to us who are active in conservation to see the public aware of the needs for expanded conservation.

My first concerns deal with the National Water Quality Act and the requirements it places on the states. It is my opinion that some aspects of the present law are unworkable and threaten property rights. I would encourage you to become active in supporting reasonable changes in the National Water Quality Act.

In regard to S.B. 12, several areas need to be clarified. First deals with the level of cost sharing. I am certain a survey of land ownership would show that most land not under conservation treatment is owned by retired owners using the land for retirement income or heirs of a farmer who owned the land. Requirements for compliance with the law state that exceptions can be granted if cost sharing funds are not available. If the level of cost sharing is set too low a situation could develop which could be financially disastrous for persons greatly dependant on rental income from farm land. It is my opinion a level of 75 percent cost sharing is necessary to protect the absentee land owner. Most of the land owned by active farmers is under a conservation program. Most land owned by absentee landowners is not under a conservation plan because the rental income is simply insufficient to justify an unassisted conservation program. Past ACP, REAP, and related programs have not been sufficiently funded to fill the gap.

My second concern with S.B. 12 deals again with finances. Miami County is rapidly being urbanized, thus under S.B. 12 the Conservation District Board will be dealing with construction of industrial and residential developments and its related earth movement. In that situation the legal and technical requirements to meet the level of inspection and enforcement will most certainly exceed our present staff capabilities. By law, we can raise a maximum of \$8,000. I am sure the Soil Conservation Service will not provide legal assistance and under present staffing, cannot provide technical help. Without provisions for raising more funds to hire legal and technical help, we cannot meet the requirement of S.B. 12. The same situation will exist in all counties in or near urban areas.

My third concern deals with the requirement for a land owner to have a conservation plan to be in compliance with the law. I am afraid that if this law is adopted the Conservation Districts will be swamped with requests for planning. With the present level of staffing of the SCS, they can't meet all planning needs and continue with present conservation work. The law may well stop application of conservation practices rather than accelerate them. A system of gradual compliance is necessary to prevent a lapse in progress in conservation work.


Continued

Page 2

to: Interim Committee on Senate Bill #12

Finally, much of the undesirable and expensive portions of this bill are mandated by the Federal Government. I encourage you to insist that the Federal Government back up these requirements with funds or make a positive and immediate effort to relax the more stringent and expensive regulations.

Thank you for giving me the opportunity to express my opinions to you.


David W. Wilson, Vice-Chairman
MIAMI COUNTY CONSERVATION DISTRICT

Chanut

September 24, 1975

Energy & Natural Committee
Senator Vincent Moore, Chairman

Dear Sir:

First, I would like to comment as to the need for such a law in the State of Kansas. In our county, approximately 80% of our land owners already have in affect a conservation practice and I am sure the other 20% would, if they knew this service existed, have a program for their farm voluntarily. I am speaking strickly for agriculture as I am a farmer and also work as an ag. representative in a local bank. I do not feel that such a law is needed for the majority of Kansas farmers. At the price of real estate they are presently paying, it behooves them to keep their own soil where it is. Also, I am of the opinion that you are being forced into inaugurating this piece of legislation by Washington, which, as you well know, will never understand our local situation. So be it.

As for the bill, I feel you have done an excellent job of covering the general needs. I do feel that there should be a ^{local} committee that will make the final decision and this committee should include or be our elected county commissioners. I think that in Section 4, where it states that where land is involved in more than one district that this should be governed by the local district with a liaison between these people. Here, again, I feel that we are losing our local control when we have to go upstairs to handle our problems. We should, also, recognize that not all farm operators are in the position, financially, to carry out these practices in the allotted time.

William L. Mentzer

William L. Mentzer

Vt. & ag. Rep.

Allen County State Bank

110. W. Main

201a

Kansas 66749

ALLEN COUNTY STATE BANK

Char

Phone 316 365-2161

1 West Madison

IOLA, KANSAS 66749

GERALD WRIGHT
Executive Vice President

September 24, 1975

Senator Vincent Moore
Chairman
Energy Natural Resources
Legislative Committee

Subject: Senate Bill Number 12

You and your committee have done a commendable job of a proposal for the State of Kansas, to comply with the federal regulation. My question is, when are we going to assume a position of independence and refrain from appeasing our position and true convictions by continuing to conform to federal bureacracy.

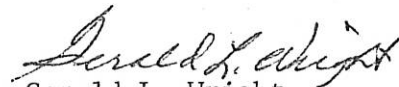
Section Three (a) states the plan shall continue among other items, a list of erosion and sediment control measures for which the cost is greater than the return to the owner and specify the amount of financial assistance recommended. It seems prudent to evaluate very heavily the advisability of continued subsidies in the face of deficit budget. (federal)

Further stated in Section 3, subparagraph (a), if the local commission has not submitted an approved program, the commission has the right to develop an approved plan to be carried out by the district, does restrict the local district from the priviledge of minimizing the conformity with the federal law.

Section 4, subparagraph #1, the district shall expeditiously review plans submitted to it should be changed to given period of time.

Section 7, the pass through cost of any assistance by the commission would seem only to tend to increase the overall cost of the program.

Respectively submitted,


Gerald L. Wright

Chaute

Allen County Conservation District

"Conservation Is Everybody's Business"

P. O. Box 407

Telephone 365-5641

Iola, Kansas 66749

September 23, 1975

The Honorable Senator Moore
Chairman Special Committee
on Energy and Natural Resources
State Office Building
Topeka, Kansas

Dear Sir:

We are writing this letter to give you our thoughts and opinions on revision of Senate Bill No. 12 as it affects erosion and sediment control plan for the State of Kansas and more particularly for our conservation district.

As a matter of background, I would like for you to consider this to be a condensed opinion of the district. Throughout this year we have conducted and cooperated with extension service in approximately ten meetings. We have distributed questionnaires and computed the responses. We have appointed seven additional members who meet with our regular board of supervisors in discussing this common problem. So, I hope you will accept this opinion as being a county wide consensus.

Under Section Two of SB 12, it outlines the method of establishing an advisory board on the state level consisting of seven to eleven members. As outlined, we feel it does not adequately allow representation of agriculture and feel, at least numerically, it would be dominated by commercial, environment and governmental interests whereas agriculture is going to be a larger part of this plan. We suggest more emphasis be put on agri-business people for this board.

No. 2. We feel that reasonable limits should be placed on emissions from all areas consistent with the make up of that particular district. In our district, we feel that from three to five tons per acre per year would be a workable objective.

No. 3. We feel that there should be some reasonable formula for cost-sharing. We also feel that this might be broken down into two categories. One for a practice that would be beneficial to the land owner or occupier and another at a higher rate that is not beneficial or productive to the individual land owner but would contribute to the over all control.



The Honorable Senator Moore, September 23, 1975, Page Two

No. 4. Under Section Four of SB 12 (2), it states that land owners with activities involving land in more than one district may submit their plans and request for review and approval directly to the state commission. This seems unfair to us as it would permit larger owners and operators to by-pass local control.

We respectfully submit these suggestions to your review panel and are hopeful that such inputs throughout the state will be helpful in shaping a better final law for us all.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Ray Pershall".

Ray Pershall, Chairman
Allen County Conservation District
Board of Supervisors

RP/ba

What control will districts have over land that is not being disturbed, for example, badly eroded land that is allowed to stand idle?

What disposition of septic tanks identified under EPA's water supply act as injection wells? Will this come under the jurisdiction of conservation districts?



Lyon County Conservation District

1105
P.O. Box 5422 - Emporia, Kansas 66801 - Telephone: (316) 342-9344

September 24, 1975

Chanute

STATEMENT PRESENTED by THE LYON COUNTY
CONSERVATION DISTRICT at the HEARING on
SENATE BILL 12, CHANUTE, KANSAS

The Lyon County Conservation District highly recommends that county conservation districts be given leadership and control responsibilities for sedimentation abatement programs in Kansas.

Under the Conservation Districts Law of 1937, as amended, conservation districts and their supervisors are charged with the responsibility of: 1) Carrying out preventive and control measures (for soil erosion) within the district, and 2) To develop comprehensive plans for the conservation of soil and water resources and for the control and prevention of soil erosion, flood damages, impaired drainage and the effects of drouth within the district. The law also enumerates an additional 10 responsibilities too lengthy to list here.

Now after nearly 40 years of training, knowledge, and experience in erosion control in Kansas, the abilities and qualifications of local districts have been well established. They have soundly performed their responsibilities in planning, application, and administration of soil and water conservation, which is directly related to sedimentation control.

Because of these qualifications and abilities, we highly support the recommendations of the Kansas Task Force and the provisions of Senate Bill 12 that pertain to conservation districts. We also support the concept that the State Conservation Commission be designated the state agency to set guidelines for controlling soil erosion and the resulting sedimentation problems. They, too, have proven themselves exceptionally capable over the past 40 years in guiding districts as specified in the Conservation Districts Law of 1937, as amended.

It is important to point out that the above views are widely supported throughout Lyon County. This is confirmed by the fact that letters expressing the above concepts and opinions have been sent to Senator Moore, with copies sent to other concerned legislative members and friends of conservation districts, from the following organizations and agencies:

Lyon County Conservation District
Lyon County Commissioners
Lyon County Extension Council
Allen Creek Watershed District
Eagle Creek Watershed District
Jacobs-Phenis Creeks Watershed District
Rock Creek Watershed District

Respectfully submitted,

Dan G. Gasche
Chairman
Lyon Co. Conservation District

Chanute Sept. 22, 1975

Special Committee on Energy and National Resources
Chanute, Kansas

Dear Sirs:

I am a land owner and I oppose the Senate Bill No. 13 drafted in 1973.

The land owner pays County taxes on his land and State and Federal taxes on the income and should have the right to say what he does with it as long as he abides by the laws we already have.

The farmers I talk with are fed up with being told what to do or not do.

Young people are leaving the farms too much control and not enough income and older people are retiring as soon as possible to much control not enough income - and paper work.

Yours truly,

Leona Knabe,
Moline, Kansas

P.S. I sent a letter to Wichita but heard on the radio I should have sent it ^{to} Chanute so this is the second letter.

(6125)

Frank and Mrs Fred Astell of 2110 Ave, K. as
are opposed to the bill.

Wichita

T E S T I M O N Y

by

Dennis Foltz, Executive Director
Chikaskia, Golden Belt and Indian Hills
Regional Planning Commissions

before the

Kansas Special Legislative Committee

on

Energy and Natural Resources Regarding
Sediment and Soil Erosion Regulation (S.B. 12)

on

September 25, 1975
at the Hotel Broadview
Wichita, Kansas

* * * * *

My name is Dennis Foltz and I am appearing in my capacity as Executive Director of the Chikaskia, Golden Belt and Indian Hills Regional Planning Commissions. I appreciate the opportunity to appear before you, to testify on this important proposed legislation.

As with all pieces of legislation that I have ever read, no proposal will ever suit everyone. However, although there are some areas of concern with this proposed bill, I believe that it has some extremely strong points upon which I would like to elaborate a little further.

First of all, the bill offers a commodity that seems to be fast disappearing from the American scene and that is local regulatory control. Representing an association of local governments, I can assure you that local control of local decisions is something that is highly desired by the people in the twelve-county area which I represent here today. In fact, one of the primary purposes of our Regional Planning Commission effort is to work as an association of local governments, to propose locally workable solutions to our local and areawide problems to the State and Federal Governments, in

order that they can assist us in solving those problems. Unfortunately, in the last few years the process has worked the other way around, and too often the State and Federal agencies have been placed in the position of having to thrust their solutions upon us. We hope to change that. I believe that the local regulatory control granted in this bill is a step in the right direction.

In line with what I have just said, I would like for you to know that we are not so naive as to expect that we will forever be able to exist without regulations. In today's crowded society, with its ever increasing demands upon our environment and resources, we know that some increase in regulation and management of different aspects of our lives will occur. However, we feel that it is extremely important that we be allowed the opportunity to assess needs and regulate based upon our local needs and abilities. Only in that way will regulation be equitable and workable.

Let me give you an example of what I am talking about. Approximately a year ago we began talking, in our area, of our long-range water and land resource needs. As a first concern, we focused on present and potential water pollution problems. From this discussion developed the realization of a need for a water quality study that would assess both surface and sub-surface water needs, as well as their urban and rural implications. Local governments, Conservation Districts, Groundwater Management Districts, and other organizations in our area supported an application by the Regional Planning Commissions for EPA water quality planning assistance under their Section 208 program. Although that application has become ensnarled

at the State level in some red tape, we are still hopeful that it will eventually be approved, in order that our local people can propose solutions for our water quality problems and can specify the necessary management and regulatory responsibilities thereof. I believe that the proposed Senate Bill 12 provisions are generally consistent with our Section 208 request.

Besides the need for local control, there is another aspect of the bill that has considerable merit and that is that it involves our local Conservation Districts, who have a long history in dealing with land management. From past experience, I can assure you that my experience with Conservation District board members has been that they are genuinely concerned with their task and seek to accomplish their objectives in a workable manner. I can also report that the persons with whom I have had the good fortune to work cooperatively from the Soil Conservation Service have presented themselves as professionals and, although they are Federal employees, they have shown a unique sensitivity to local needs.

As with most pieces of legislation, there are areas of concern with the proposed Senate Bill 12, although I do not believe these are serious. One concern is the equitability in the bill in regulations between urban and rural areas. It appears that the urban-oriented regulations are swift and explicit, whereas, the rural portions are delayed and nebulous.

Another area of concern is regulatory relationships between incorporated areas, fringe areas and rural areas. I would not want to see, for example, the building and construction regulations carried out by a city, either within its incorporated area or its urban fringe,

become so complicated by overlapping regulations that development would be unduly onerous.

My final area of concern is the fractionalization of governmental responsibility. By this I mean to say that I do not believe it is a generally good practice to encourage the creation of new special districts which spread the responsibility of elected officials among so many people, to the extent that the general public cannot maintain a public official's accountability. I believe that this particular aspect of this bill, which may or may not require Conservation Districts to be generally elected by the public, is something that warrants further discussion and possibly modified solutions.

I appreciate the opportunity to have appeared before you today, and can assure you that this is a matter which is of considerable importance to our Commissions and that I, or members of my Board, I believe would be happy to testify further at a later date, should you so desire.

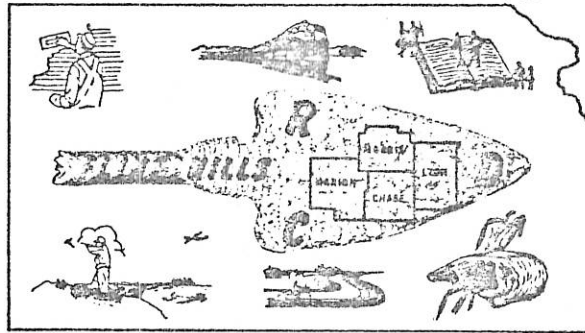
Thank you.

* * * * *

Wichita

PAT H. SAUBLE
Chairman
EDNA M. MOXLEY
Vice President

MARGARET J. REES
Secretary
ED GRIMWOOD
Treasurer



Gentlemen:

My statement in support of Senate Bill 12 will be brief and to the point. It is being made on behalf of the Flint Hills Resource Conservation and Development Council. Action by the Council was preceded by a detailed study of Senate Bill 12 by our Land and Water Resource Committee.

The Committee found the Bill to be compatible with our goals and objectives, and with exception of the timetable provided for in P.L. 92-500, felt that implementation is both administratively and physically possible. The RC&D Council strongly supports those sections of the Bill which designate Conservation Districts and the State Conservation Commission as the local and state agencies to administer the Act.

Conservation Districts, with assistance of numerous federal, state and local agencies, units of government and organizations have established an enviable record in controlling soil erosion and reducing sedimentation. Their accomplishments have been the results of voluntary actions on the part of land users and of local leadership directed at solutions to local problems.

Marion County
ROBERT R. BROOKS, Chm.
Marion, Kansas
ED GRIMWOOD, Secy.
Burns, Kansas

Morris County
HAROLD JOHNSON, Chm.
Dwight, Kansas
AL FISHER, Secy.
Herrington, Kansas

Lyon County
LLOYD LEWIS, Chm.
Emporia, Kansas
JOHN DeLONG, Secy.
Emporia, Kansas

Chase County
REX R. DENHAM, Chm.
Strong City, Kansas
RUSSELL SCHWILLING, Secy.
Strong City, Kansas

More recently, members of our RC&D Council have had the opportunity to evaluate the Water Strategy Paper issued by the Environmental Protection Agency. This paper addresses itself to Nonpoint Source Pollution Management requirements set forth in the Federal Water Pollution Control Act (P.L. 92-500). We are of the opinion that Senate Bill 12 is tailored to meet the requirements and guidelines outlined in the Water Strategy Paper.

On behalf of the Flint Hills RC&D Council, I urge the enactment of Senate Bill 12.

A handwritten signature in cursive script that reads "Pat H. Sauble". The signature is written in dark ink and is positioned to the right of the typed name.

Pat H. Sauble, Chairman
Flint Hills RC&D Council

Wichita

Edwin Habiger, Chairman
Rice County Conservation District

If conservation was established on all the land as recommended by the Soil Conservation Service, our soil losses would be greatly reduced and sediment would not be the problem as it is today.

Since National Water Pollution Laws demand that each state enact rules and regulations to control nonpoint pollution (soil erosion), Kansas will have to come up with some measure that is acceptable by the Environmental Protection Agency.

Senate Bill #12 gives the State Conservation Committee and the local Board of Supervisors the responsibility for the control and leadership in implementing the sediment abatement program. This could be an important factor in its success. Local people know their problems far better than someone from outside the area. The Conservation Districts have the technical knowledge in their personnel to implement the sediment abatement program.

Any new regulations for the sediment abatement must be drawn up by the people (landowners and farmers) who are directly involved with whatever assistance they may need from the State Conservation Commission.

Giving 4 years voluntary compliance to establish a sediment abatement program is very essential.

We will always have some landowners who do not wish to follow a sediment abatement program that have severe soil losses. This pollutes our water, reduces the capacity of ponds, and causes damage to our highways. Conservation leaders need authority to stop these abuses.

There will have to be cost-sharing on permanent practices to meet the requirements of the timetable set up by National Water Pollution Laws.

We feel Senate Bill #12 will be a catalyst in helping develop watershed programs. Watershed districts would certainly help in reaching nonpoint pollution (soil erosion).

These are some of the reasons why we are in favor of Senate Bill #12. We give it our support. We feel it is a start in the right direction, also it gives due recognition to the report of the Kansas Erosion-Sediment Control Task Force.

We believe some additions to Senate Bill #12 would be in order.

- (1) Some additional financial assistance in hardship cases.
- (2) Exempting landowners from penalty caused by natural disasters such as flood and drought.
- (3) Cost-sharing on permanent practices be set up when the plan is developed.
- (4) Define what a plan is and the requirements to implement the plan.

Senate Bill #12 will give the impetus for those who do not have a plan on conservation practices, to begin implementing good conservation practices. Personally, these hearings on Senate Bill #12 have started people to considering and inquiring about what should be done.

First recommendation . . . 5-2-75

Rice county a leader

Rice county has become the first in a central Kansas conservation district extending from the Oklahoma to Nebraska line to complete and present recommendations for soil erosion and pollution control.

Oral Brunk, Rice county soil conservationist, said at a meeting in Lincoln several days ago Rice county was the only one reporting the completion. "Some haven't even started yet," he added.

The recommendations are in compliance with the Erosion and Sediment Abatement bill, as approved by the Kansas Legislature. The legislative action, in turn, comes as a result of the Environmental Protection agency at the federal level, which now has the leverage of a federal law requiring states to come up with proposed solutions to erosion and sediment problems. The nationwide effort presumably will lead to full control of surface effluents, and eventually is intended to present a means of pin-pointing sources of problems. There is some feeling this could be extended to include a requirement that all upland farmers terrace and take other runoff control measures to prevent soils from eroding and becoming sedi-

ment at lower levels.

Each county in Kansas was asked to form a committee for the purpose of presenting recommendations at the state level, where a statewide proposal for compliance with the federal mandate can be prepared.

Ed Hodgson of Little River has served as chairman of the Rice county group. Leonard Ricker of Raymond was vice-chairman and Marlin Sittner of Bushton was secretary. Other members of the committee were Delbert Obermeyer of Bushton, Cecil Johnson of Sterling, Gene Deeds of Little River, Gary Proffitt of Sterling, Mrs. James Tobias of Lyons, Wes Bernstorf of Lyons, Willard Janssen of Geneseo, Dale Hazlett of Sterling, Arnold Fankhauser of Lyons, John Snyder of Raymond and Mrs. Dale Scott of Chase. Ex-officio members were Brunk and Bill Hundley, director of Rice county extension.

W. I. Ta

RICE COUNTY EROSION AND SEDIMENTATION COMMITTEE

March, 1975

The Rice County Erosion and Sedimentation Committee has concluded their series of educational efforts regarding the proposed Kansas Senate Bill No. 12. This is an act relating to soil erosion and sediment control in Kansas.

The Act provides for the adoption of a statewide program and guidelines; requiring adoption of programs by conservation districts; requiring approval of plans in connection with land disturbing activities; prescribing unlawful acts and providing penalties; providing for inspections and reports; and providing for review and appeal of district or commission determinations.

The Rice County Committee supports the Kansas Task Force's recommendations to the Kansas Legislature (i.e. S.B. No. 12).

However, they call attention to the need for a cost sharing stipulation involving Federal-State-County and Landowner; provide for hardship, indigent cases; erosion standards or guidelines be based on the Soil Loss Guide used by the Soil Conservation Service in preparing conservation plans; allow ample time for submitting applications for conservation plans by landowners; and provide for personnel to accomplish the task.

The committees efforts to reach the people of Rice County with information about S.B. No. 12 included direct mail, radio, news releases, local, community, and civic group programs and the county-wide public program March 1st in which both State Senator Jack Janssen and State Representative Ansel Tobias participated.

The mailing list included 1400 landowners and farm operators. Enclosures with letters of transmittal included: #4, Scope of Problem in Western Kansas; #9, Erosion Control Progress, South Central Kansas; #13, Alternatives for Citizen Action; and #14, Task Force Recommendations.

Rice County Conservation Needs Inventory of 1967 was used to develop a projected model of cost sharing:

4,600 miles of terraces	\$2,914,560
6,900 acres of waterways	<u>\$1,359,300</u>
Total	\$4,273,860

This represents 137,614 acres terraced with an average cost of \$31.50 an acre. Assume a 50% cost share basis - a 5 mill levy in Rice County for 6.16 years would pay for all the terraces and waterways (i.e. landowners would put up an equal amount).

*Please submit Mr. DeLoe letter
R.R. Chazyka 67524*

A cost sharing formula of actual costs is suggested:¹

Federal and State Funds	30%
County*	30%
Landowner	40%

*Suggesting a permissive maximum levy of 2 mills.

¹Set-aside compliance if funding from Federal and State sources not available.

RICE COUNTY EROSION AND SEDIMENTATION CONTROL COMMITTEE

Officers:

Chairman, Ed Hodgson, Little River	Farmer
Vice-Chairman, Leonard Ricker, Raymond	Farmer
Secretary, Marlin Sittner, Ellinwood	Farmer

Members:

Delbert Obermeyer, Bushton	Banker
Cecil Johnson, Sterling	County Commissioner
Gene Deeds, Little River	Little River Watershed
Gary Proffitt, Sterling	Farmer
Wes Bernstorff, Lyons	Soil Conservation District
Willard Janssen, Geneseo	Farmer
Dale Hazlett, Sterling	Banker
Arnold Fankhauser, Lyons	City Commission
John Snider, Raymond	Extension
Mrs. Dale Scott, Chase	Farmers Union

Ex Officio

Oral Brunk, Lyons	District Conservationist
William C. Hundley, Jr.	County Extension Director and Agricultural Agent
Ed Habiger, Bushton	Chairman, Soil Conservation District

Your Opinion, Please

Total

1. My reaction to the national law requiring all states to clean up the air and water for a better environment is:

148 Favorable 121-82% Unfavorable 21-14% No Opinion 6-4%

Comments: _____

2. In my county, I believe that sedimentation, caused by wind and water erosion, is a:

154 Minor Problem 13-8% Moderate Problem 79-52% Major Problem 62-40%

Comments: _____

3. In my county, I believe sedimentation can be controlled by:

154 Voluntary Action 19-12% Some State Regulation 18-12% Combination of Both 116-76%

Comments: _____

4. Which of the following alternatives for citizen action do you favor:

- 19-13% Continue the present voluntary soil and water conservation programs, and accept the provisions of the National Water Quality Act when imposed.
- 94-62% Approve Kansas Task Force recommendations for strengthening the present conservation district law in order to get greater participation in sediment control programs.
- 38-25% Work for partial revision or complete redirection of the National Water Quality Act before designing state sediment control programs.

(Continued on back)

I live in _____ county, and am a --

(Check all that apply)

<input type="checkbox"/> Landowner 88	<input type="checkbox"/> City Dweller 72
<input type="checkbox"/> Farm Operator 55	<input type="checkbox"/> Ag-business owner or operator 9
<input type="checkbox"/> Rural Resident 43	<input type="checkbox"/> Realtor, land developer, or contractor 3

Summary:

Slide Tape Set to -- 750
 12 different small group meetings
 SCD Annual Mtg

154-Opinion Sheets Summarized

5. If a sediment abatement law is drafted, should the following provisions be included:

a. Give leadership and control to present Conservation Districts.

140 Agree 119 - 85% Disagree 6 - 4% No Opinion 15 - 11%

Comments: _____

b. Provide that persons following approved conservation plans (on farms, building sites, etc.) are in compliance with the law.

138 Agree 123 - 89% Disagree 4 - 3% No Opinion 11 - 8%

Comments: _____

c. Place limitations on land disturbing activities that cause excessive soil losses and sedimentation problems (like row crops up and down hill, leaving land unprotected during long periods of construction, etc.).

140 Agree 108 - 77% Disagree 15 - 11% No Opinion 17 - 12%

Comments: _____

d. Authorize Kansas Conservation Commission to set state guidelines for controlling erosion and sedimentation from land disturbing activities.

140 Agree 116 - 83% Disagree 11 - 8% No Opinion 13 - 9%

Comments: _____

e. Recommend cost-sharing from federal and/or state funds on land treatment practices.

146 Agree 129 - 88% Disagree 5 - 4% No Opinion 12 - 8%

Comments: _____

f. Establish local appeal procedure to settle disagreements and to modify approved plans.

141 Agree 126 - 89% Disagree 6 - 4% No Opinion 9 - 7%

Comments: _____

Publication of Education Committee: Chairman, Wilber Ringler, Assistant Director of Agricultural Production Programs, KSU; John Blythe, Farm Bureau, Manhattan; Lester Branson, ASCS, Manhattan; Jack Burke, State Leader, Radio-TV-Films, KSU; Richard Cunningham, League of Municipalities, Topeka; Barry Flinchbaugh, Extension Economist, KSU; Robert Paris, State Association of Conservation Districts, Dighton; Fred Parris, Extension Editor, News, KSU; Donald Robertson, Soil Conservation Service, Salina; Joan Snyder, League of Women Voters, Salina; John Spurling, State Conservation Commission, Fort Scott; Rosalie Thompson, Tuttle Creek Development, Manhattan; Leo Wendling, Extension Engineer, KSU.

Cooperative Extension Service

Kansas State University

Manhattan

MF-385

November 1974

Issued in furtherance of Cooperative Extension work, acts of May 8 and June 30, 1914, in cooperation with U. S. Department of Agriculture. Robert A. Bohannon, Director of Extension, Kansas State University of Agriculture and Applied Science. Available to all individuals without discrimination on the basis of race, color, national origin, sex, or religion.

11-74--10M

Gillum

Phone 536-4321

GYP SUM, KANSAS 67448

September 25, 1975

Remarks presented before the Special Committee on Energy and Natural Resources on Senate Bill # 12

I am Glea Gillum of Gypsum, Kansas and a Farmer. I have served for thirty years on the Seline County Conservation District Board.

I built my first terraces over 40 years ago with a horse grader pulled by my farm tractor and they were laid out by our county agent.

I believe in conservation of the land and also conservation of water. If I had not believed ~~in~~ that I could leave my land in better condition and tilth when I quit farming than it was when I started farming I would not have worked at conservation of the land as hard as I did. I have set up demonstrations to show farmers they could build their terraces with the equipment they already owned, plows and one-ways.

We convinced a lot of people that it was better to farm with terraces than with ditches. There are still people today that refuse to have terraces on their land, because they want to farm up and down the hill and around the whole field.

I am glad to see the legislature of the State of Kansas take an interest in the land and pass a bill into law with guidelines set up by local and state people rather than a law passed by Washington and rules written and administered by Washington.

Terraces and waterways hold the soil and keep it from washing away, and also have a benefit to townships, county and state highway departments.

They keep ditches from having to be cleaned and smaller bridges can be built because of the water being controlled.

A former County Engineer in Saline County told us several years ago, "Where the land is all treated with conservation practices above a bridge, we can save $\frac{1}{2}$ by building a lot smaller bridge."

Another County Engineer told me just last week that $\frac{3}{4}$ of their cost of cleaning ditches could be saved if all of their land was protected by conservation practices.

I hope that the legislature and Governor see their way clear to also allocate one to one and one-half million dollars a year for permanent practices on a 75% cost sharing practice so that the conservation program in Kansas can be accelerated to a point where we have a lot less sedimentation leaving the land and polluting our streams and rivers.

After over 30 years with Conservation Districts we have only 50% of the land treated. We have tried education, demonstrations and have profit and loss figures to show that terraces and waterways are profit makers.

We need to clean up our streams and rivers. But let us not start with the farmer and landowner alone and set a deadline 15 or 20 years hence. Lets clean up our raw sewage and industrial pollutants being dumped into our streams and rivers. Can all of you senators truthfully say that your town is treating its sewage 100% and there are no pollutants from industry being discharged into our rivers.

Let's put some teeth into the Public Health laws and enforce them as Senate Bill #12 does to the farmer.

Thank you for letting me appear before you today.



Wichita

MARTIN K. EBY CONSTRUCTION CO., INC.

GENERAL CONTRACTORS • P.O. BOX 1679 • 610 NORTH MAIN • (316) 267-1371 • WICHITA, KANSAS 67201

September 23, 1975

PLEASE ADDRESS REPLY TO THE COMPANY
ATTENTION OF THE WRITER

Senator Vincent E. Moore
1316 Arrowhead
Wichita, Kansas 67203

Dear Vince:

Thank you very much for your letter of September 21, 1975, and the news release of September 8, 1975 concerning the public hearing on proposed legislation on soil erosion and sedimentation control to be held at 9:30 a.m., September 25 at the Broadview.

I hope to be in attendance or to have someone from our organization in attendance, but would like to briefly give you my views.

In the first place, I believe that the federal guidelines for eliminating erosion which the bill seeks to implement are not realistic. History tells us that the first white settlers to see the Mississippi River described it as "too thick to drink and too thin to walk across." This was true of all other major rivers in America as was evidenced by the centuries-old alluvial flood plains along all the major rivers in America. The whole geologic history of earth is composed of uplift and erosion cycles. The expenditure of the estimated \$1.4 billion mentioned in your press release (I hope this is not an annual expenditure) appears to be an unreasonable attempt to thwart nature's inevitable course.

More specifically, I consider the bill to be discriminatory because it provides that farming activities (which obviously create well over 90% of the soil erosion and river sediment load in the state) will not be considered in violation of the act unless the state has adequate financial assistance to install the erosion setup and control measures required for an approved farm or ranch plan. While I am very much in sympathy with the farmers' position, I can not support such discriminatory legislation and would suggest that all other industry be given the same immunity from the penalties of the act if the state did not provide such funds (which I hope that it would not).

I am concerned that the creation of an additional department to review building permits will add to the time required for obtaining of building permits and believe that much of this activity is duplicated in the filing



Senator Vincent E. Moore

Page -2-

September 23, 1975

of environmental impact statements. I note that page 5, Section 15 provides that the District will "expeditiously" review plans submitted ... and would appreciate a clearer limitation of the review time such as the "10 working days" specified in line 22 on the same page.

Section 10 which provides for a fine up to \$500 or one year's imprisonment for each and every violation, with each day's violation constituting a separate offense, would appear to me to be an unreasonable violation of the citizen's right to life and liberty and an unreasonable penalty in view of the relative seriousness of the violation.

Yours very truly,



Martin K. Eby, Jr.
President

MKEJr:jg

cc: Senator Paul Hess and
Representative Sharon Hess
L. E. Laurion
Jess Myers

FLOYD • COEN - ELKHART, Kan. Wichita
F

I have been subpoenaed as an expert witness in a civil suit that is being heard in the U.S. District Court here in Wichita. It has been impossible for me to appear at your hearings on the soil sediment proposal. I think you should be commended on your efforts to hear the public views by your Committee holding meetings or hearings in the various locations over the State.

We live in Morton County and the land we farm is primarily Dalhart and Vona type soil. The U.S. Government has purchased some 110 thousand acres of this

land of which much of it is
Dallat + Vona type soil.
There's justification for regarding
this land was because it
was designated sub-marginal
land subject to wind erosion.

I say this land would ^{possibly} ~~probably~~
blow or erode in wind isn't
the full truth because it
probably would, yet this
same land is the most
dependable in our area to
produce a crop every year.

This year is no exception,
with ^{some} grain sorghum showing
the potential of 50 to 60 bushels
per acre yields while the same
crops on Richfield + Ulysses
soils is destroyed by drought.

Floyd Co. Mo.

Wichita

I am Dick Neville, Chairman of the Kingman County Board of Supervisors. I also attended the Governor's Conference in Salina in 1972 as a member of KACD District Operations and Outlook Committee.

First I would like to give my personal views of the problem at hand:

1. Pollution in the form of sediment.
2. The more critical and sad part is the watching of good productive land being steadily deformed and destroyed by careless and foolish land owners who by their indifference and poor management are permitting, what in my opinion is this country's biggest and solidest natural resource which is our agricultural land to be degraded.

Speaking for the people I represent, being the rest of the board from Kingman County and the farmers and people who have made their wishes known in the educational meetings throughout the county, there are some things that are of a concern to these people most important of which is:

1. The penalties
2. The 75% cost sharing and its being available not only here today and not tomorrow but on a steady and sound long-term basis.

3. The time Table. Though they are not very realistic, they have served a purpose, that of bringing the problem to the attention of the public, while there is still a lot of farm land worth saving for future generations.

In regards to the feelings of the public at the meetings, I and the rest of the board attended throughout the County of Kingman, people were in very strong support of the idea that something needs to be done.

Although most farmers are real reluctant to surrender any of their freedoms, and this bill is a loss of some degree of freedom for all land owners including myself. Eighty per cent think it's a small price to pay to correct some terrible abuses to the land.

I know that the Kingman County board is in support of the state policy of the KACD board as of May 1975 and signed by our own Area III Director, Lynn Buerki, as well as all 5 Area Directors. Thank You.

Wichita

Robert L. Sheetz of Norwich

Senator Moore, Committee Members, Ladies and Gentlemen:

I am Robert L. Sheetz of Norwich, Kansas, Kingman County

I am a Supervisor of the Kingman County Conservation District

I appreciate the opportunity to speak before this committee. Thank you for taking the time to listen.

I am a farmer--landowner and tenant.

With the help of two sons I operate a small family farm corporation

The land we operate is almost 100% under good conservation practices including waterways, concrete structures, and terraces.

Some of our cultivated land has been returned to grass for grazing.

I favor Senate Bill #12 with the recommended changes of the task force.

I favor land use legislation because we are not getting enough land treatment. we have been 30 years getting 50% of the work done. We need this law to accelerate the program as voluntary program is not getting it done.

I feel the local county conservation districts should (with the help of the conservation service) be the ones to rule as to when and how the guidelines are carried out. In other words, I favor local control whenever possible.

We do need a reasonable amount of time to comply with the law.

I believe the public is concerned about pollution and sedimentation. The solution is good conservation.

A landowner contacted me soon after the television and radio new media began talking about a law to control sedimentation and erosion wanting to know what to do. I recommended a farm plan and starting land treatment with cost sharing over a period of this. This has been done.

Point is that publicity is helping to get some people interested in doing some conservation of our soil.

Recently the Hi-way Department hauled tons of sand out of the road ditches on highway K42 west of Norwich. It had washed from the adjoining field that needs to be terraced and farmed on the contour.

What is the chance this will be done under present laws?

Very Slim.

The cost to haul all that sediment would have gone a long way toward giving the adjoining land the proper treatment.

We do need a cost sharing program as long as the federal government expects the ^{FARMER} farmer to produce cheap food for the American consumer. I recommend 70% cost sharing.

Thank you.

Wichita

STATEMENT ON SENATE BILL 12 BY FREDRIC A. KERR, VICE-CHAIRMAN OF PRATT COUNTY CONSERVATION DISTRICT BOARD OF SUPERVISORS

Mr. Chairman,

The Pratt County Conservation District Board of Supervisors have discussed the National Water Quality Act of 1972, and how it pertains to our county, several times in the past year. The following is a summary of our position on this problem as of September 17, 1975.

We, first of all, wish that legislation on sedimentation control were not necessary, either at the national or state level. We think there is too much legislation already, and that regulations in additional areas should be avoided if possible.

However, since national legislation was passed in 1972, something will need to be done in our state. Land treatment for conservation purposes is moving steadily ahead in our area on a voluntary basis, with a big assist from cost-sharing programs. The pace, though, is not nearly fast enough to meet the goals set forth in the national legislation.

In order to even come close to meeting the federal timetable, we think state legislation will be necessary. In that light, we think Senate Bill 12 is basically very good. First of all, it puts the supervision of this program in the hands of the state conservation commission and the conservation districts. We think this is extremely important because these are the people who have been working with soil and water conservation for years. Secondly, the bill provides cost-sharing for the implementation of the erosion control construction. This seems quite necessary because the costs to the landowner would be much greater than the benefits he receives. Also, the authors of the bill accept the fact that if a landowner is following a current conservation plan accepted by the district, that he is deemed to be in compliance. The importance of this is noted because conservation districts already have such plans for all types of soil, and landowners could readily know when they are following correct procedures. We think it will help to be able to penalize farmers for violating these plans, because we do see some abuses occurring on conservation structures already in use.

In summary, we think that if an erosion and sediment control bill is deemed necessary, that Senate Bill 12 is a good one.

Respectfully submitted,

Fredric A. Kerr

ENERGY AND NATURAL RESOURCES INTERIM COMMITTEE
PUBLIC HEARING - BROADVIEW HOTEL
Vincent Moore, Chairman - September 25, 1975

Sedgwick

My name is Louis B. Earle, Sedgwick County Assessor. I would like to give you a little of my background from 1934 to 1967. I was employed by the Soil Conservation Services at Mankato, Kingman, Burlington and Leavenworth, Kansas; Lamar and Trinidad, Colorado; Mayaguez, Puerto Rico and in Wichita from 1945-67.

After approximately 20 years at Wichita, Kansas, I would like to show you a map, indicating the part of the County that was cooperating with the Sedgwick County Soil Conservation District. As you can see, almost all of the farmers in the County were Soil Conservation District cooperators. Following are some very important statistics that indicate the amount of conservation work completed by the fall of 1945 to the fall of 1966:

<u>CONSERVATION PRACTICES</u>	<u>TOTAL ON THE LAND</u>	<u>% COMPLETE</u>
District Cooperators	2,745	86
Conservation Farm Plans	2,590	80
Completed Farms	1,061	33
Ponds & Lakes	1,370	86
Terraces	3,758	49
Drainage	78,100	60
Conservation Crop Rotation	410,000	92
Concrete Structures	4,378	71
Wildlike Area Improvement	10,493	76
Land to Wildlife-Recreation	7,241	36
Acres Completed	226,600	41.

You must remember that this work was done on a voluntary basis, and much of it was due to the tremendous cooperation received by individuals and groups of Sedgwick County. I am listing some of those who did so very much to promote conservation:

- | | |
|---|-----------------------------|
| CRAW CONSERVATION AWARDS, sponsored by Mrs. Wauketa Wright. | |
| BANKERS PROGRAM | Girl Scouts |
| BOY SCOUTS | Camp Fire Girls |
| GOODYEAR | Wichita Chamber of Commerce |
| KG&E CO. AWARDS | Churches |
| Newspapers, Radio & TV Stations | Farm & Ranch Club |
| Heavy Equipment Dealers | Izaak Walton League |
| Extension Service | Kiwanis Club |
| Schools | Rotary Club. |

These individuals and groups voluntarily did promote a voluntary program.

Under Senate Bill #12, the U. S. Conservation Technicians and the Soil Conservation District Supervisors would be forced to spend their time as policemen, instead of promoting and laying out conservation practices. If, by any chance, more work could be done because of SB #12, where would additional equipment come from all of a sudden?

Police Departments have learned that they can accomplish more through education than they have been able to by using brute force. Even though alcoholism is supposed to be a disease, better results have occurred by education than by the Police Departments putting people in jail. Those working in the drug control program get better results through education than through the Police Departments.

When people felt that there was a real shortage of gasoline and it was suggested that they should drive 55 miles per hour, it was reasonably well observed. As soon as the law was passed making 55 mph the mandatory speed limit, and the public felt there was not a shortage of gasoline, much of the public began exceeding the speed limits most of the time. Following would be some of my ideas:


1. Conservation program should continue to be voluntary with the exception of very extreme cases.
2. A decision should be made as to the amount of money the Government is going to furnish for the different conservation practices and, therefore, the farmer can be assured of this Government assistance each and every year, according to the plan.
3. The technicians and district supervisors, along with other groups should spend their time selling the benefits of conservation instead of policing the conservation.

In the past, Government assistance was pretty spotty. Some years, there were sufficient funds, some years there were only about half enough, and other years no funds were available. The land owner was just never able to depend on Government assistance.

I might mention that when I first read Senate Bill #12, I immediately wrote a letter to Vince Moore, outlining my opposition. It was so terribly foreign to Americanism. I really felt I was reading Hitler's Manifesto instead of a proposed bill before the Kansas Legislature.

I urge you Legislators to do everything in your power to see that America remains the Land of the Free!.

Respectfully submitted,


~~LOUIS B. EARLE~~
Sedgwick County Assessor

LBE:mj
9/26/75
cc - Hon. Vincent Moore

DISTRICT SUPERVISORS

Lynn Buerki, Chairman Goddard, Kansas
 Roger Lemon, Vice-Chairman Viola, Kansas
 Pete Lorg, Jr., Secretary-Treasurer Cheney, Kansas
 John Farmer, Jr. Viola, Kansas
 A. S. Ritchie 352 N. Broadway, Wichita, Kansas
 Office Secretary Edith L. Bozarth

1966 DISTRICT ADVISORS

OWNERS	OPERATORS
Edward Miller, Sedgwick, Kansas	Orville Miller, Valley Center, Kansas
J.H. Downing, 407 Morningside, Wichita	Jack Richardson, Valley Center
Frank Bodecker, Benton, Kansas	Vernon Hopkins, Benton, Kansas
Howard Ulmer, Rt. 2, Valley Center	Wayne Miller, Valley Center
Glenn Turner, Rt. 2, Valley Center	

The District Advisors are the owners and operators of the five farms that win the Bankers Conservation Awards. They serve a one-year term.

U. S. SOIL CONSERVATION SERVICE PERSONNEL ASSIGNED TO THE DISTRICT

LOUIS B. EARLE	O. J. VAN VRANKEN
WYNN A. COLLIER	JOSEPH B. BECKER, JR.

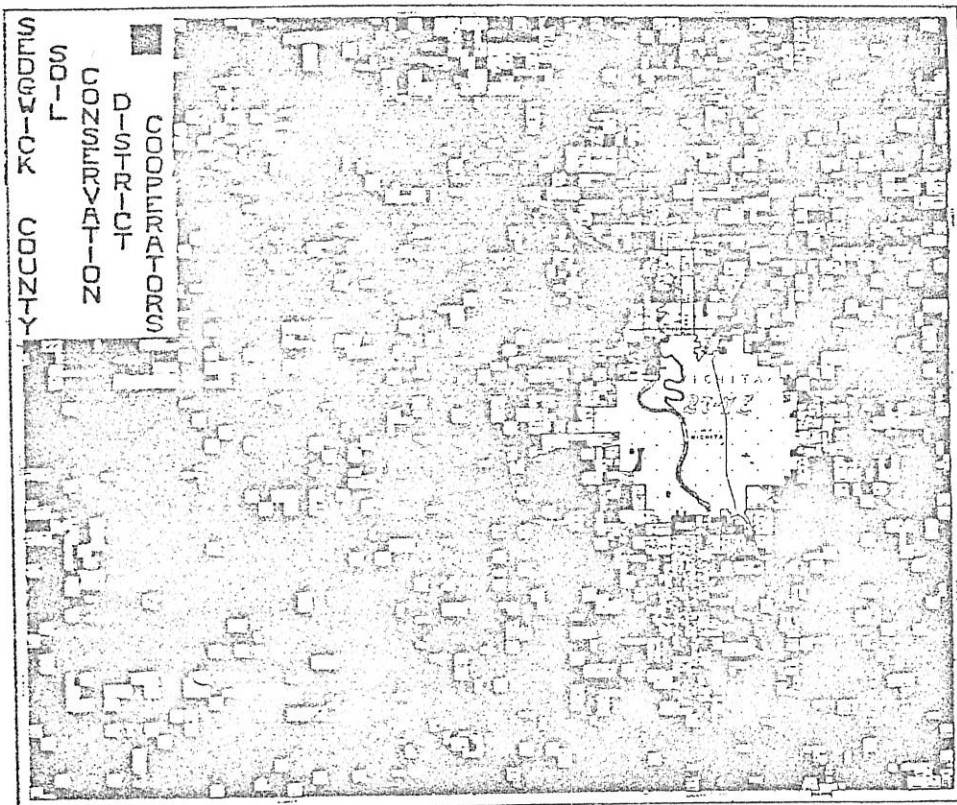
YOUR DISTRICT INCOME AND EXPENSES

INCOME	
New Cooperators	\$ 585.00
Grass Seeding	1,321.00
Miscellaneous	217.92
Surveying	306.40
Tree Planting	2,558.85
Trickle Pipe	7,893.30
TOTAL	12,882.47
EXPENSES	
Annual Meeting, Bankers Tour & Banquet, etc.	648.80
Grass Seeding	719.80
Additional Clerical Help	269.81
Office Equipment, Photographic Supplies, Phone, Awards, Educational & Misc.	1,201.98
State & National Dues & Expenses	672.48
Surveying	624.15
Tree Planting	1,924.62
Trickle Pipe	7,526.94
TOTAL	\$13,588.58

ANNUAL REPORT

1966

MAP OF THE SEDGWICK COUNTY SOIL CONSERVATION DISTRICT



WOULDN'T YOU RATHER BE IN THE "BLACK?"

Those dark colored farms are cooperators with the Sedgwick County Soil Conservation District. 1,061 of them have completed all of their conservation work. Many more have almost completed their conservation work. Others are well along. Some have just started. A few have accomplished very little conservation work but they have at least indicated their interest by becoming cooperators with the District. They have, however, worked out a conservation farm plan on their farms.

Those farms shown in white have not indicated any interest in soil and water conservation. Surely, this is an oversight on their part.

Why not join the "crowd" and become a cooperator with the District and, at least, work out a conservation plan for your farm? Over 2,700 other landowners in the county have. 2,700 farmers surely can't be wrong.

The District Supervisors Welcomes You To The "Fold."



Kansas Association of Conservation Districts

Wichita

September 26, 1975

Senator Vincent Moore
State Senate Building
Topeka, Kansas 66612

Dear Senator Moore,

Reference is made to Senate Bill 12 and the hearing
in Wichita on September 25.

I do appreciate the opportunity to speak to this
issue and commend your Committee for its concern.

Please know that the supervisors of the 20 conservation
districts in my KACD Area III and I stand ready to
assist you and your Committee wherever possible to
find an equitable solution to sedimentation. Please
feel free to call on us.

Best wishes for a successful fall and winter.

Sincerely,

Lynn Buerki
KACD Area III Director
and Past President

Board of Directors

J. WENDELL EGGERMAN
President
Green, Kansas 67447
Telephone: (913) 944-2738
Director Area IV

ROBERT A. PARIS
Vice President
Dighton, Kansas 67839
Telephone: (316) 397-2140
Director Area II

ROBERT J. BINDER
Secretary-Treasurer
2818 Vine Street
Hays, Kansas 67601
Telephone: (913) 625-5430
Area I Director

E. E. JABES
Route 1, Derby, Kansas 67037
Telephone: (316) 776-2488
Director Area V

LYNN BUERKI
Rt. 8, 14707 West Pawnee Road
Wichita, Kansas 67235
Telephone: (316) 722-3448
Director Area III

STATEMENT BY LYNN BUERKI, WICHITA, DIRECTOR
OF THE KANSAS ASSOCIATION OF CONSERVATION DISTRICTS

TO THE KANSAS LEGISLATURE SPECIAL COMMITTEE ON ENERGY AND
NATURAL RESOURCES

SEPTEMBER 25, 1975
Broadview Hotel, Wichita

CONTENTS -----

INTRODUCTION	Page 1
KACD POLICY STATEMENT SUMMARY	Page 1
KACD POLICY STATEMENT IN ITS ENTIRETY	Page 2-5
AREA III DIRECTOR STATEMENT	Page 6
PRIVATE CITIZEN STATEMENT	Page 7
QUESTIONS ABOUT SENATE BILL 12	Page 8-10
CONCLUSION	Page 11

Rt. 8, 14707 West Pawnee
Wichita, Kansas 67235
316 722 3448

Statement By Lynn Buerki, Wichita, Director
Of The Kansas Association of Conservation Districts

To The Kansas Legislature Special Committee On Energy And
Natural Resources

September 25, 1975
Broadview Hotel

Page 1

Senator Moore, Representative Tobias, Distinguished Committee Members - My name is Lynn Buerki, dairyman, farmer, from rural Wichita. With due respect, may I address the Committee today in terms of 3 positions I hold? First, as a member of the Board of Directors of the Kansas Association of Conservation Districts (KACD); 2nd as the Area III Director of KACD; and 3rd, as a private citizen and supervisor of a conservation district?

As you have traveled throughout the State this week, I am sure you have heard the policy statement on Senate Bill 12 of the Board of Directors of the Kansas Association of Conservation Districts. I wish to offer the policy statement for the record. Do you wish me to read it in its entirety, summarize it or hand it to you for inclusion in the record?

SUMMARY OF THE KANSAS ASSOCIATION OF CONSERVATION DISTRICTS POLICY

KACD policy encourages sediment control legislation with;

1. Specified cost sharing stated
2. Local control of program
3. Flexibility of program

The statement includes recommendations that legislation be enacted in 1976 with a later enforcement date; it recommends continuation of a voluntary program at the district level for a reasonable length of time; it calls for revision of the National Water Quality Act to change zero discharge terminology and the timetable. KACD's policy statement endorses Senate Bill 12 with changes.

REACTION TO PROPOSED LEGISLATION -- SENATE BILL #12

Prepared by Board of Directors,
Kansas Association of Conservation Districts

Over 500 District Officials of the Kansas Association of Conservation Districts have studied, discussed, and debated alternatives to the soil erosion-sedimentation issue. Last fall and winter, armed with fact sheets and a slide-tape presentation prepared by Kansas State University, they talked and held meetings to find out what action might be feasible from a farmer-landowner viewpoint. Here's what they found out.

Cost sharing, the practice of the government paying the initial cost of a conservation practice (terraces, waterways, diversion ditches, ponds), is probably the most important aspect of a state sediment control policy. Since conservation practices usually do not increase yields or returns immediately from land and the cost of these practices cannot be passed directly to the consumer, it is essential that society assume this extra expense. An adequate cost-share program is mandatory for sediment abatement.

Local control is another essential condition of a stepped-up conservation program. Each county has unique erosion-sedimentation problems that can best be solved by local people. Once the problem is locally recognized and defined, people usually work together in seeking an acceptable solution. Local control with state guidance is the key.

Flexibility in program implementation is also essential. The sediment abatement effort must be tailored to fit county or community needs. Soils, rainfall, and cropping patterns are greatly different from one part of the state to another. A conservation program must accommodate these differences.

Based upon suggestions and comments from conservation districts, the Kansas Association of Conservation District Board of Directors put together a state policy for erosion and sediment control.

The policy requests action along three separate lines:

- (1) State legislation on erosion-sedimentation be enacted during 1976 with a later but reasonable district enforcement date. The proposed bill will:
 - (a) Include all land under provisions of sediment abatement law--rural, urban, private, and public.
 - (b) Give leadership and control to Conservation District Boards.
 - (c) Hold landowners responsible for sediment but provide that persons having and following approved conservation plans are in compliance with law.
 - (d) Recommend public cost sharing on permanent land treatment practices (as determined by districts) at levels of 75 percent of actual costs.
 - (e) Incorporate a local appeal procedure to settle disagreements and to modify plans.
 - (f) Assign Kansas Conservation Commission leadership of the erosion-sediment abatement program at state level.
 - (g) Resolve that sedimentation caused by "acts of nature" (floods, downpours, long periods of drought) are the responsibility of all citizens.
 - (h) Provide for enforcement, including penalties.
- (2) Continuation of a voluntary conservation program at district level for a reasonable length of time to permit individuals to get conservation plans and practices established before being faced with complaints

or penalties for excessive soil loss. During this time KACD would:

- (a) Give strong educational emphasis for managing land to reduce erosion and sedimentation.
 - (b) Stress importance of updating farm conservation plans, and making progress toward completion.
 - (c) Encourage application of conservation techniques on construction sites and road grading projects.
 - (d) Seek long term contracts (like Great Plains Program and Long Term Agreements) in getting orderly conservation practices on agricultural lands.
- (3) Revision of the National Water Quality Law goals. Two features need to be changed:
- (a) Zero discharge of pollutants from nonpoint sources into navigable waters of the United States should be extended to a more reasonable rate.
 - (b) Timetable for bringing nonpoint pollution under control by 1985 is unrealistic. A more gradual approach is needed.

The KACD Board believes that the above policy is workable and will result in more conservation on the land and an effective sediment abatement program to satisfy National Water Quality Laws.

State legislation is an essential first step in implementing our proposed state policy on erosion and sedimentation.

Senate Bill #12 has many desirable features--gives leadership to Conservation District Boards, holds landowners responsible for sediment control, and has a local appeal procedure to settle disagreements.

We believe Senate Bill #12 would be more acceptable to farmers if the penalties for noncompliance were reduced, the provisions for cost sharing clarified and set at the 75 percent level, and that landowners would be excused from sediment that was a result of an act of nature--floods, downpours, and long periods of drought.

Our goal is to have an erosion-sedimentation program that relies heavily on voluntary action by landowners but yet has "teeth" to bring into line those that continue to abuse and misuse land. Senate Bill #12, with amendments, is an essential first step in accomplishing our goal.

Continued Statement By Lynn Buerki, Wichita, Director
Of The Kansas Association of Conservation Districts

Now may I address you secondly as Area III Director of the Kansas Association of Conservation Districts? My Area includes 20 counties reaching from Nebraska to Oklahoma, through the center of Kansas. I asked each county conservation district recently to state its concerns and feelings about Senate Bill 12 to me. With your permission I would briefly like to review these results with you.

Basically, the counties responding indicated that IF sediment control must be accelerated to meet requirements by EPA and the National Water Quality Act, Senate Bill 12 is acceptable with extensive changes. The local control concept, 70-75% cost share, provisions for hardship cases, acts of nature, adjusted time deadline, decreasing penalties, and definitely stating a definition of an approved plan are a few of the suggested changes. All agreed that conservation districts should remain in control. Several counties cling firmly to the voluntary conservation program concept.

As a private citizen and conservation district supervisor at a county level, may I also offer comments regarding sediment control and Senate Bill 12?

For approximately 35 years conservation districts have functioned with some very difficult obstacles to overcome and the application of conservation practices has been hindered because of basically 6 reasons: #1. Programs are set up on a year to year basis with serious loss of momentum while waiting for cost share funds each year. #2. When received, the amount of cost share funds is inadequate (for example: this year Sedgwick County funds were finally released in May in the amount of \$28,000. Based on construction costs today, we recently estimated that over \$10,000,000 would be needed to control sediment on agricultural lands in Sedgwick County alone.) #3. USDA-Soil Conservation Service (SCS) is our able working partner that provides technical assistance. This agency has experienced constant cuts in operation budgets and personnel ceilings that have hindered conservation extensively. #4. Conservation districts do not have adequate budgets to hire technicians to pick up the slack caused by personnel ceilings in the Soil Conservation Service, nor do they have adequate funds to conduct intense educational programs. #5. When programs dwindle and conservation application peaks about 3-4 months out of a year, our conservation contractors are forced to find work in other segments of business. When funds are sporadically released, a shortage of contractors to actually do the earth work is apparent. No one can blame the contractor because no matter how dedicated one is, you simply cannot allow \$100,000 machines to sit idle. And finally, #6. Why do people simply ignore their resource responsibilities to this world and future generations? Stewardship apathy is difficult to understand and explain.

Much has been accomplished in spite of these 6 holddowns that I've mentioned, but where would we be today if they had been overcome? Perhaps 95% of the land would have been adequately treated by now instead of 50%. Can we move ahead if they are not overcome? Where would we be today if conservation districts had had a fair shake with budgets and cost share spending? Will Senate Bill 12 solve these problems? I wonder! Are there provisions in Senate Bill 12 to provide for guaranteed increased funds for cost share and operations, personnel, and education? Does it guarantee a steady accelerated flow of conservation work? Will it place additional stress on conservation districts?

I do feel strongly that by virtue of 35 years experience, conservation districts need to remain in position to work with landowners on resource conservation problems at the local level.

I have no other criticism to offer of Senate Bill 12 -- only questions. All are stated in my written testimony which I am submitting for your review and consideration.

QUESTIONS -- Senate Bill 12

Page 2; Sec. 2 (a); Line 17: "To assist in the development of such programs, the commission shall name an advisory board" Would it make more sense for the advisory board to be a policy making board and should the duties of this board be more clearly defined?

Page 2; Sec. 2 (a); Line 21: "...industry, agriculture and the natural environment." Should not conservation districts be included? While much of what this board does will have a direct effect on conservation districts, wouldn't it be feasible and appropriate that a representative per commission delineated boundaries throughout Kansas be elected by the conservation district supervisors within those respective boundaries? These five representatives would be included in the original "...seven (7) nor more than eleven (11)..." To insure adequate representation, should a certain percentage of the members of this board be landowners? Tenure of membership of the board is not stated but the term of office for the chairman is stated as two years. Should both points be clarified?

Page 2; Sec. 2 (a); Line 15: "The commission shall, in cooperation...develop and coordinate a comprehensive state erosion and sediment control program." What criteria must be met? What is involved in a state erosion and sediment control program?

Page 2; Sec. 2 (b); Line 31: "To implement this program, the commission shall,..." Would it be more acceptable if the commission would implement the program at the state level as instructed by the policy making or advisory board and that the duties outlined in this section be the explicit duties of that advisory or policy making board?

Page 3; Line 1: "...and adopt rules and regulations setting forth guidelines..." What type of rules? Does this mean something different than guidelines?

Should some indication be made in Senate Bill 12 that the standards and specifications used today by the Soil Conservation Service will be the guidelines -- or accept the recommendation of the Soil Conservation Service?

Page 3; Sec. 3; Line 18: "...and contain a list of erosion and sediment control measures for which the cost is greater than the return to the owner, operator..." Within what time frame should the cost benefit ratio be considered? Why is the list to be included at all and could not the return of any or all practices be greater than the cost of construction if the right time element is used? Could this minimize cost share assistance availability?

QUESTIONS -- Senate Bill 12 continued

Page 4; Line 14: "In cities and built-up areas, the commission shall designate a city or a county to develop, adopt and carry out the erosion and sediment control program and exercise the responsibilities of a district..." Will this clause be carried out only in cases where the local district will not submit a program or does this statement mean the commission may make this designation at its discretion? Would it be more efficient because of the local district's knowledge of relationships and situations for the local district to make these determinations and designations within each one's respective boundary? In the event the designation is waived by a city or a county, who then has the responsibility? If an entire county is designated to the county proper, what then happens to the conservation district within the county? If a large city rejects the responsibility, does the district or the commission assume the task? In any event, where would the manpower come from to handle such a workload?

Page 9; Line 6: "...notice shall require that such resident owner," What does resident mean? What about non-resident owners?

Page 9; Line 8: "...measures within six (6) months from the date of the notice and shall complete the same within a reasonable time." Should reasonable time be defined more clearly? If working with a hardship case, wouldn't 6 months to commence work be unreasonable?

Page 9; Sec. 7; Line 16: "...to fix, assess and collect necessary and reasonable fees for permits and inspections pertaining thereto." Under the present memo of understanding, conservation districts cannot charge for technical expertise which is provided by the Soil Conservation Service (SCS). If SCS provides technical assistance, can districts legally charge fees for permits and inspections? Does this mean that if districts are going to finance the implementation of Senate Bill 12 through fees, they will in turn have to hire technical help to perform these duties?

Will cost share funds be provided for to correct damage to applied conservation measures damaged or destroyed by acts of nature such as a hundred year frequency rain?

What happens if a district simply doesn't have a sufficient budget to carry out the implementation of Senate Bill 12?

What method of certification will be required of the landowner when he certifies that he will carry out his plan?

Throughout the bill, terminology used is "owner, operator

QUESTIONS -- Senate Bill 12 continued

or occupier". Does this mean that the operator can be held responsible for violation if the owner won't cooperate? Can the operator apply conservation work without the owner's consent? Exactly who is responsible?

Will districts be required to make an annual compliance check of land already under an approved plan? Where will the manpower come from to do this?

Should an "approved plan" be defined. Many people are supporting this bill with the idea that if they now have an applied conservation plan on their land, they are automatically in compliance. Is this correct?

In conclusion, let me say that I have no quarrel with sediment control. We need to conserve our precious soil resource. No one can be more aware of the urgent need to do so than a person who has been directly involved with conservation for over 20 years as I have.

However, with adequate funds, personnel, cost share programs and budgets for education, I believe we might accomplish much, much more in a shorter length of time at a lesser expense to Kansas, to Her landowners and Her citizens. Based on the progress conservation has made to date in spite of the circumstances we've encountered, you really can't prove me wrong.

As a citizen and a supervisor of a conservation district and KACD Area Director, my concern is first to our resources but equally so to the landowners of Kansas and the conservation district supervisors in the 20 counties I represent.

I definitely encourage curing the problem but I would also encourage caution and consideration of the action taken and the reaction felt by your people. Will the law actually solve the sediment problem? Are we replacing grass roots representation with a paid bureaucratic dynasty? Are we considering the rights we are sacrificing with each new law? Can you ever effectively substitute control for education?--And at what cost to the landowner? How much more economic strife can agriculture stand?

Above all else -- we must remain calm, rational and use sound judgment in creating legislation, even when complying with irrational Federal Law.

Gentlemen, I don't envy you your task and I admire and congratulate you for your interest in the people's views and your concern for our resources. Thank you for this opportunity to speak.



Comanche County Conservation Dist

Box 62 - Coldwater, Kansas 67029 - Telephone: 582-2211

Wichita

September 22, 1975

TO WHOM IT MAY CONCERN:

We, the Comanche County Conservation District Board of Supervisors, cannot heartily endorse the concept of mandatory regulations of soil and water conservation practices on agricultural land.

However, if mandatory regulations do come, we believe that

- (1) the regulating agency should be the State Conservation Commission and administered by the local conservation district;
- (2) the timetable should be extended by several years due to the lack of adequate technical assistance, lack of contractors etc.;
- (3) there should definitely be cost-share on all practices applied to comply with adopted standards, the percent of cost-share should be at least 70% and if funds are not available, practices need not be applied until funds are available and
- (4) the conservation district plan should be the basis for land treatment.

COMANCHE COUNTY CONSERVATION DISTRICT
BOARD OF SUPERVISORS

Merle Wait, Chairman

BOARD OF SUPERVISORS

WENDELL BROWN
Wilmore, Kansas

FRED LOHRDING
Coldwater, Kansas

MERLE WAIT
Protection, Kansas

NEILL JACKSON
Coldwater, Kansas

LAWRENCE RICH
Protection, Kansas

Wet

Mr. Chairman and Members of the Special Committee on
Conservation and Natural Resources:

My name is Leo Wetta and I am a member of the Board of Supervisors for the Conservation District of Sedgwick County. Our local board has had numerous discussions on the overall problem of sediment control and the various suggested changes in our existing state law. Out of these discussions, which I assure you, total many hours, we present a commentary on the proposed Senate Bill No. 12.

To say the least, if Senate Bill No. 12 becomes law as presently written, it will very definitely change the responsibilities and will increase tremendously the activities of each local Board of Supervisors. Our contribution presently, as it has been in the past, is primarily to develop education of landowners and land occupiers as to those practices which are damaging to the soil. We provide the local influence and the local communication and work closely with the technicians employed by Soil Conservation Service. It is and has been a worthwhile occupation. We know that the job of preventing soil erosion and sediment control is not finished by any means. How it can be accomplished seems to be the issue that confronts all of us. With those preliminary remarks, we pass to a more close examination of Senate Bill and particularly how a local supervisor might view its implication if it becomes law.

"Land disturbing activity", per definition in the Bill covers practically every conceivable land change including tilling, clearing, excavating, etc. but excepts home gardens and minor land changes such as connections for a gas line or for a utility line to a residence. It is certain that the word tilling means farming practices affecting every farmer.

Section 4 (a) provides, "no person may engage in any land disturbing activity until he has submitted to the district a plan for erosion and sediment control for such land disturbing activity and such plan has been reviewed and approved by the district. . . ."

Section 4 (b) "the district shall expeditiously review plans submitted to it and shall approve any such plan if it determines that the plan meets the conservation standards of the district and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will comply with provisions of this act."

As we understand the implications of how this bill affects each individual farm and farmer, it appears that once the guidelines have been established that each individual farm will have to make application for a plan. The plan will have to be prepared and approved before that farm is in compliance with the guidelines adopted.

The State Commission is given the complete authority to develop conservative standards. This is provided in the bill as set forth in Section 2 (a). There is mention of a 7 to 11 member Advisory Board in this same section and I don't believe it is clearly provided what duties or what rights to recommend this Advisory Committee has with respect to the guidelines to be set out by the Commission. It would seem to me, and I believe to any farmer or farm owner that the conservation standards and the guidelines which the State Commission is required to adopt could

be formulated now so that everyone interested in this bill could have a general understanding of what these standards will entail.

It would seem to me that members of the Legislature would want to know in detail, how stringent and comprehensive the state erosion and sediment control program would be.

Under Section 3 (a), each district shall adopt, within the state guidelines, an erosion and sediment control program consistent with the State program and guidelines. We assume that generally speaking and from a practical standpoint, the district guidelines will be identical to the state, possibly with few minor exceptions.

To implement this program, under Section 2 (b), the Commission must complete its rules and regulations by January 1, 1978. Within a year thereafter, each district shall have implemented and secured approval of the district rules and regulations by the State Commission. If my calculations are correct, by 1979, each farm owner or occupier must have submitted to the district a plan for erosion and sediment control for any "land disturbing activity" and such plan has been reviewed and approved by the district.

In Sedgwick County, presently, we have, exclusive of real estate within the City limits, a total of 2730 plans, approximately 85% of the total farms. Again, if our understanding is correct, each one of those plans would have to be submitted or re-submitted and the plan drawn up, approved, inspected by the local district and the plan either be approved or denied. Our first great question and our first great concern is how do we develop in Sedgwick County or across the State of Kansas for that matter, the staff to handle all of the plans, do all the inspections and do all the approvals. It appears that the position of a supervisor is going to be full time, to say the least.

Supervisors do not have the technical skills to prepare the plans. As you know, Soil Conservation Service, federally funded, and with federal personnel do all of the technical work for our conservation districts. The National Association of Conservation Districts prints much educational material and among its publications is the "Tuesday Letter". In the letter dated September 9, 1975, and I quote - "as a sequel to the series of over 40 sediment control conferences sponsored during the past two years, National Association of Conservation Districts, will conduct a one year program in the field of manpower, education, and training for sediment control . . . The purpose of the project, which will run through September 30, 1976, is to determine manpower, training, and related educational needs in those states which have enacted sediment control legislation. Programs in states with established sediment control procedures will be studied and the information will be provided the states now getting underway in this field, or contemplating the passing of such legislation." The further question occurs, once it has been determined, how many personnel are needed, then where will we get all of the trained technicians to draw up the plans and, implement them. What do we tell the applicant, who needs a permit, that we do not have the personnel to consider his

unapproved activities? This man is certainly going to be interested in getting a permit, because we know that the issuance of the permit is necessary for him to make a living.

When we consider the vast amount of paper work that will be involved, the great amount of time necessary to draw up the plans, supervise and inspect the various land units involved, that there should be much more time for implementing the bill in the State of Kansas.

Another area which will require considerable staffing is with regard to the activities covered in Section 6 (a) in the Bill, we assume that the "permit issuing authority" will be the Conservation District. Anyone who wants to grade, build or otherwise require a permit must agree to periodic inspections to insure compliance with the approved plan again. The continual development of rural residences and businesses can require quite a staff to handle their permits, inspections, etc. The necessary personnel, housing, transportation, of employees, etc. can create a staggering budget for each Conservation District, particularly one like ours within a metropolitan area where much soil disturbing activity occurs.

Section 3 (a) provides for public assistance, the need for which must be completed and be coupled with the land-owners plan at its acceptance by the district. I quote "The plan shall contain among other items, a list of erosion and sediment control measures (for which the cost is greater than the return to the owner, operator, or land occupier and specify the amount of financial assistance recommended".

Subsection (e) of Section 4 excuses compliance with the plan and avoids the penalties of engaging in prohibited acts if public assistance funds necessary to complete the plan are unavailable. Consider the implications of what each individual plan must entail. Consider the judgment or judgments which must be put into the development of the plan, first of all what it will cost, and secondly, what the return of such alleged improvement will be to the landowner. There is nothing spelled out as to the number of years to capitalize the returns theoretically available to that landowner if he completes the plan as required. Surely a landowner, operator or land occupier is entitled to more specific protection from the application of this law than is given in rather vague language in Section 3 (a). One of the comments from our Board was something like this - "When cost-sharing money was steadily available, farmers could plan their conservation practices". For the last two or three years, at least, cost sharing money simply has not been appropriated by the Federal Government. What indication is there this will change? In any event, it seems to us that this Bill could be improved so that the landowner, operator or land occupier would definitely know what percentage of the cost is going to be borne by public funds. The demand to cure our sedimentation problems comes from society, generally. If society wants pure water, then society should have to pay the bill, or the greater proportion of it. When public assistance money is made available and the land owner, operator, or occupier uses that money, then I think you can put some mandatory control into the maintenance of those works of improvements. This has

not been the law up to this time. The Conservation District cannot do anything presently about a farmer who will not respect his terraces or his grassed waterways, etc., the majority of the costs of which improvements are furnished by the Government. If the money is available to the farmer to improve and make his farm more productive, then I believe the farmer will abide by any such regulations about the maintenance and repair.

We recommend that this area of the Bill be written more specific as to public assistance and the percentage to be furnished by Governments, either Federal, State or Local. If it is not made more specific, cost-sharing formulas could become a nightmare for supervisors.

Throughout the Bill, the words Owner, Occupier or Operator is used in regard to making application, implementing farm or ranch conservation plans. In Section 9 (a), we note that only the word land occupier is used. How can the tenant be made responsible for implementing a plan if the landowner does not consent to the plan? Can the tenant be charged with the crime of failing to have a permit, failing to comply with the plan? Can the tenant "land occupier" be fined \$500.00 a day for each day of continued violation or be sent to County Jail for not more than one year? I doubt whether that provision of the proposed bill is constitutional. It would be the same as if a clerk or an employee in a business would be held responsible for criminal violations of the Income Tax Law.

I am sure I have not covered all of the questions that occur with regard to Senate Bill 12. From a personal viewpoint, I dislike mandatory controls. Conservation districts have always led and tried to educate landowners and this has seemed to be a workable program, if sufficient public assistance funds are available to the individual landowner so he can improve or maintain his farm. We would favor some type of mandatory control once public assistance funds are used to assist. I think some farmers are lax and have not carried out the conservation plan or program that they originally adopted. This type of conduct is not right. Generally we follow the recommendation of R. M. Davis, Administrator of the Soil Conservation Service, who in a letter, dated August 21, 1975, stated as follows: "But a mandatory conservation program would cost the taxpayers more. It would require many more technicians to make it work. Worse yet, it would turn some technicians and District Supervisors into policemen. Inevitably, there would be attempts to generalize solutions to problems over a large area. The results would be a less flexible program, a less responsive one. I for one don't want to see this happen".

We recommend further study on the whole proposal.

Respectfully submitted,

SEDGWICK COUNTY BOARD OF SUPERVISORS



LEO R. WETTA
Member

LRW:sd

NACD DISTRICTS NEW SEDIMENT CONTROL AND POWER PLANT... as a subject to the... of
 over 40 sediment control conferences sponsored during the past two years, NACD will conduct a one-
 year program in the field of manpower, education, and training for sedi-
 control. Named project director is Robert E. Williams, former Assista-
 the Administrator of the Soil Conservation Service for Environmental Develop-
 ment. Bob also served as Director of the Plant Sciences Division and held other
 posts in SCS.



Williams

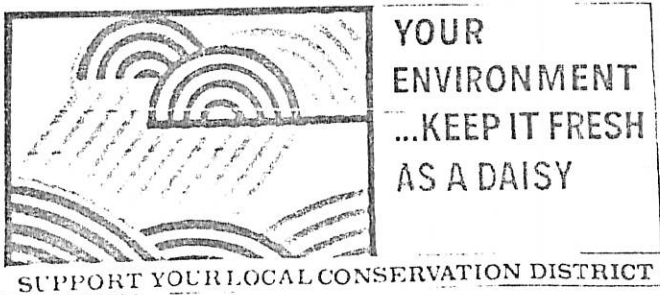
The purpose of the project, which will run through September 30, 1976,
 is to determine manpower, training, and related educational needs in those
 states which have enacted sediment control legislation. Programs in states
 with established sediment control procedures will be studied, and the informa-
 tion will be provided to states now getting under way in this field or contemplating
 the passage of such legislation.

We also expect the information on manpower, training materials, and
 sources of assistance to be helpful in determining the scope of national needs in
 this field. The project is supported by a \$60,000 grant from the Environmental Protection Agency, and
 an advisory committee representing local, state, and national interests is being organized to provide
 advice and counsel.

NEW CATALOG MAILED TO EACH DISTRICT. A copy of NACD's beautiful full-color 1976
 catalog has been mailed to each district. It's packed with ideas, services, and products that can help
 your district do the best possible job.

Printing services, awards and plaques, cameras, pocket calculators, caps and jackets, office
 signs, brief cases, litterbags, and letterheads--these and dozens of other items are available from
 NACD's Service Department, 408 E. Main St., Box 855, League City, Tex. 77573. If you'd like a
 personal copy of the 20-page catalog, just write to Manager Dave Stewart at that address.

Included with your catalog is a special notice quoting close-out prices for remaining full-color
 conservation billboard posters as shown below. Many districts have used these posters to increase
 public awareness of their work. Space is contributed as a public service by outdoor advertising
 companies.



keep it under cover!



SHORT TAKES. Rev. Daniel O. Parker, a member of NACD's Soil Stewardship Advisory Com-
 mittee, has been employed by the Colorado Association of SCD's as their full-time executive secretary....
 Approved for operations is the Deport Creek Watershed Project in Lamar and Red River Counties,
 Texas....It's official. Secretary of Agriculture Earl Butz has announced that there will be no set-aside
 requirement for the 1976 feed grain, wheat, and upland cotton programs....Predictions are that the
 Environment and Land Resources Subcommittee of the Senate Interior Committee will mark up S. 984,
 Sen. Jackson's land use bill, next month. The object is to keep the issue alive.

George R. Bagley

When your address changes, please give the Service Department complete details,
 including old address and code number as shown below.

George R. Bagley, President
 St. Joseph, Louisiana 71366
 PHone: (318) 766-3579

The National Association of Conservation Districts



SERVICE DEPARTMENT P.O. BOX 855
 LEAGUE CITY, TEXAS 77573

LEO R. WETTER
 200 WEST DOUGLAS, Suite 850
 WICHITA, KS 67202

Non-profit
 Organization
 U.S. POSTAGE
 PAID
 League City, Texas
 Permit No. 1

Tuesday
 Letter

IN THIS ISSUE . . . 9/9/75

- * Amendments Needed
- * New NACD Catalog
- * Sediment Project Launched

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service
Washington, D.C. 20250

August 21, 1975

TO: All SCS Field Offices
FROM: R. M. Davis, Administrator
SUBJECT: Current Developments

My long held conviction is that the continuing vitality and diversity of the soil and water conservation programs that SCS and conservation districts have developed justify the faith and confidence we have in the voluntary, cooperative approach to conservation.

In my talk at the SCSA annual meeting in San Antonio, Tex., I said that "one tenet in the SCS since the days of Hugh Bennett has been that local people, given appropriate technical assistance, can always come up with better, more lasting solutions to resource problems than can more distant bodies of planners or legislators or bureaucrats."

I also expressed another strong belief when I said that "unless local people formulate their own goals for conservation, and work out their own plans for achieving those goals, I don't believe they will have much incentive for expanding the soil and water conservation program.

"We have learned from experience that it is next to impossible to legislate or regulate Americans into doing anything they don't want to do. Laws can be ignored, regulations conveniently overlooked or forgotten.

"For these reasons, I am not in the camp of those who believe that the way to get more conservation on the land is through more regulation. Yet if we are not able to make continuous improvements in conservation through voluntary programs, the pendulum will swing inexorably toward more regulation and control.

"But a mandatory conservation program would cost the taxpayers more. It would require many more technicians to make it work. Worse yet, it would turn some technicians and district supervisors into policemen. Inevitably, there would be attempts to generalize solutions to problems over a large area. The results would be a less flexible program, a less responsive one. I for one don't want to see this happen."

I also voiced my contention that conservationists must also continue to advocate the preservation of prime agricultural land for agriculture. I called attention to last month's Seminar on Retention of Prime Lands in which USDA took the leadership. SCS has started an inventory showing extent and location of prime and unique

AO



SEDGWICK COUNTY CONSERVATION COSTS

Work to date - based on todays construction costs.

<u>Practice</u>	<u>Amount on Land</u>		<u>Average Size</u>		<u>Today's Cost</u>		<u>Price</u>	
Ponds & Dams (Earthen Fill)	1696 ea.	X	2500 cy	X	\$.50 per cy	=	\$2,120,000.00	
Pipe Fixtures	500 ea.	X		X	\$500.00 ea.	=	\$ 250,000.00	
Waterways	2130 ac.	X		X	\$150.00 ac.	=	\$ 319,500.00	
Structures	5063 ea.	X	5 cy	X	\$125.00 cy	=	\$3,164,375.00	
Pollution Abatement Facilities	10	X			\$10,000.00	=	\$ 100,000.00	
Terraces	4248 mi. @ 5280 = # of feet X 15¢					=	\$3,364,416.00	
Pit for Tailwater	15	X	1000	X	\$.50	=	\$ 750,000.00	
TOTAL								\$10,068,291.00

Does not include grass seeding or land leveling.

Based on fact that Sedgwick County is 50% adequately treated in ag land. It would cost \$10,000,000 to complete it today.

Gillum

Phone 536-4321

GYP SUM, KANSAS 67448

September 25, 1975

Remarks presented before the Special Committee on
Energy and Natural Resources on Senate Bill # 12

I am Glea Gillum of Gypsum, Kansas and a Farmer. I have served for thirty years on the Seline County Conservation District Board.

I built my first terraces over 40 years ago with a horse grader pulled by my farm tractor and they were laid out by our county agent.

I believe in conservation of the land and also conservation of water. If I had not believed ~~in~~ that I could leave my land in better condition and tilth when I quit farming than it was when I started farming I would not have worked at conservation of the land as hard as I did. I have set up demonstrations to show farmers they could build their terraces with the equipment they already owned, plows and one-ways.

We convinced a lot of people that it was better to farm with terraces than with ditches. There are still people today that refuse to have terraces on their land, because they want to farm up and down the hill and around the whole field.

I am glad to see the legislature of the State of Kansas take an interest in the land and pass a bill into law with guidelines set up by local and state people rather than a law passed by Washington and rules written and administered by Washington.

Terraces and Waterways hold the soil and keep it from washing away, and also have a benefit to townships, county and state highway departments.

They keep ditches from having to be cleaned and smaller bridges can be built because of the water being controlled.

A former County Engineer in Saline County told us several years ago, "Where the land is all treated with conservation practices above a bridge, we can save $\frac{1}{2}$ by building a lot smaller bridge."

Another County Engineer told me just last week that $\frac{3}{4}$ of their cost of clearing ditches could be saved if all of their land was protected by conservation practices.

I hope that the legislature and Governor see their way clear to also allocate one to one and one-half million dollars a year for permanent practices on a 75% cost sharing practice so that the conservation program in Kansas can be accelerated to a point where we have a lot less sedimentation leaving the land and polluting our streams and rivers.

After over 30 years with Conservation Districts we have only 50% of the land treated. We have tried education, demonstrations and have profit and loss figures to show that terraces and waterways are profit makers.

We need to clean up our streams and rivers. But let us not start with the farmer and landowner alone and set a deadline 15 or 20 years hence. Let's clean up our raw sewage and industrial pollutants being dumped into our streams and rivers. Can all of you senators truthfully say that your town is treating its sewage 100% and there are no pollutants from industry being discharged into our rivers.

Let's put some teeth into the Public Health laws and enforce them as Senate Bill #12 does to the farmer.

Thank you for letting me appear before you today.