

**Testimony in Support of House Bill 2111
to the House Committee on Agriculture and Natural Resources**

**by Josh McGinn, Assistant Secretary
Kansas Department of Agriculture**

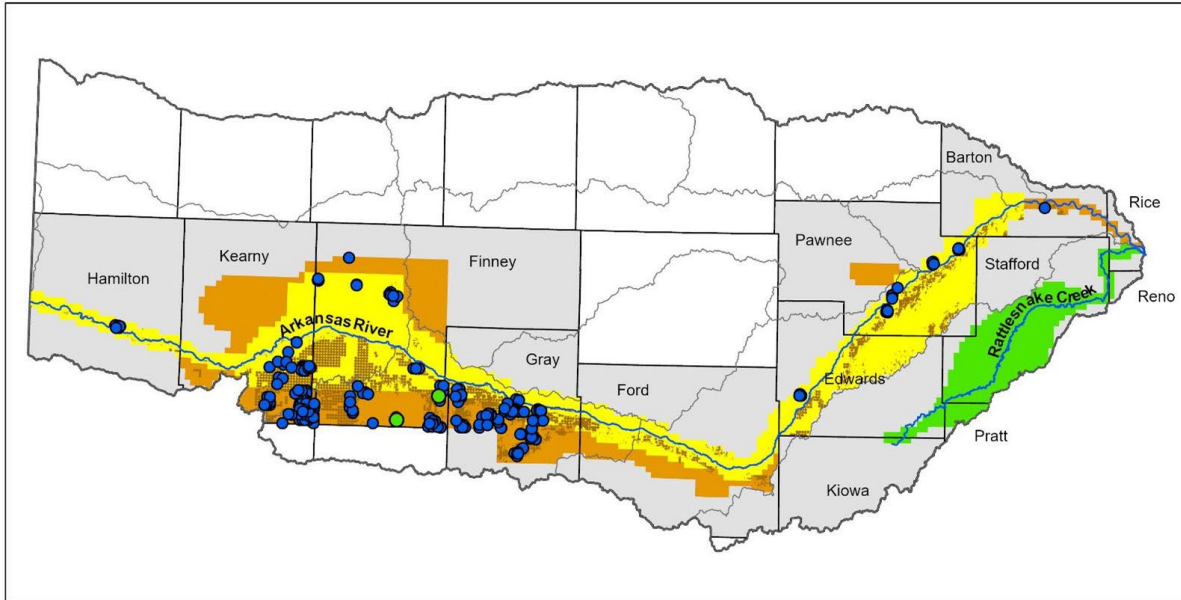
February 5, 2025

Good afternoon, Chairman Rahjes and members of the committee. My name is Josh McGinn, and I serve as the Assistant Secretary for the Kansas Department of Agriculture. I appreciate the opportunity to provide testimony in support of House Bill 2111.

The Conservation Reserve Enhancement Program (CREP) is a federal and state partnership created to enhance water conservation efforts. CREP is an enhanced version of the Conservation Reserve Program (CRP) in which the Farm Service Agency (FSA) of the U.S. Department of Agriculture (USDA) and the State of Kansas have mutually agreed to address specialized natural resource concerns.

The Kansas Department of Agriculture Division of Conservation (KDA–DOC) is the primary coordinator of the program in concert with numerous other state, local and private partners. CREP is voluntary and incentive-based. The program allows producers to enroll eligible irrigated acres in targeted areas for 15-year contracts with FSA, permanently retire the associated state water rights on the enrolled acres, and establish an approved land cover (typically a native grass) on the same acreage. The producer receives an annual rental payment and additional cost share opportunities for specific conservation practices from FSA, plus an up-front incentive payment from KDA–DOC.

CREP provides some economic replacement to the water-using community while conserving water, and possibly increasing the longevity of the local water groundwater supply for other existing users. As of September 30, 2024, a total of 142 state CREP contracts on 24,140 acres have been approved by the State of Kansas. These contracts have resulted in the permanent retirement of 49,146 acre-feet of annual water appropriation on 174 water rights from 217 wells. The contracts represent a total of \$1,910,001 in one-time state sign-up incentive payments to producers since the program was established by the Legislature in 2007.



The program is available to producers in all or parts of 13 counties along the upper Arkansas River and Rattlesnake Creek basins. Producers from 7 of the 13 eligible counties have chosen to enroll acreage into the program, with the highest enrollment rates in Gray, Finney, and Kearny County.

County	BT	ED	FI	FO	GY	HM	KE	KW	PN	PR	RI	RN	SF	TOTAL
Acres	107.7	127.5	6,181.3	0	7,501.0	242.9	9,078.9	0	901.5	0	0	0	0	24,140.8

HB 2111 proposes updates to current statutes regarding the CREP acreage cap in order to lower the water use eligibility threshold, expand the types of land use allowed on acreage enrolled in CREP, increase the total acreage allowed under the program, and provide for the ability to approve the last remaining contract in the event a state or local cap is reached.

In addition to making it so that the program is available to more producers across the state, one reason that we would like to lower the eligibility threshold is so that producers who have already decided to conserve more than half of their authorized quantity in three of the past five years are not inadvertently excluded.

Regarding the allowable practices on land enrolled in CREP, the agency would like to highlight the Division of Conservation's work with the NRCS toward a dryland farming practice that would allow the acreage to continue to remain in production while still providing for local water conservation. The bill also highlights the evolution of the program to allow for other agricultural applications such as routine grazing and the establishment of native grasses by allowing producers enrolling in the program to use water to develop quality grassland conditions in the first two years after enrollment.

Regarding the water use threshold that needs to be met to enroll in the program, the existing threshold requires an irrigator to divert at least 50% of the maximum annual quantity authorized in three of the past five years. In this bill, acreage would be eligible even if only 6 inches (one half acre-foot) per acre per year is used for three out of five years immediately preceding the year that acreage is offered for enrollment.

The bill also provides KDA with additional flexibility to grant exceptions to eligibility criteria for acreage in high-priority areas for water conservation, acreage enrolled in a water conservation program such as a Water Conservation Area or a Local Enhanced Management Area, or acreage with a significantly high flow-rate capacity irrigation well which can be voluntarily retired.

Finally, the agency is asking to allow the program to increase the cap on acreage that could be enrolled in the program from 40,000 to 60,000 acres over the CREP project area. For reference, there are over 570,000 irrigated acres in the CREP project area. Given that 24,000 acres have already been enrolled in CREP over the life of the program, this means that if this bill were enacted, approximately 36,000 additional acres could be enrolled.

The overall goal of this bill is to allow more farmers to use the Conservation Reserve Enhancement Program and increase conservation while providing for dryland or limited irrigation upon approval by the USDA.

KDA appreciates the Legislature's interest in working HB 2111 as we hope to provide effective oversight of the Conservation Reserve Enhancement Program, and the agency is happy to stand for questions at the appropriate time.