

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Ralph Ostmeier at 8:30 a.m. on February 10, 2011, in Room 159-S of the Capitol.

All members were present except:

Senator Steve Morris, Excused

Committee staff present:

Tamera Lawrence, Office of the Revisor of Statutes

Jason Thompson, Office of the Revisor of Statutes

Heather O'Hara, Kansas Legislative Research Department

Laura Younker, Kansas Legislative Research Department

Dana Wethington, Committee Assistant

Conferees appearing before the Committee:

Greg Foley, Executive Director, State Conservation Commission

Christopher Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks

Tracy Streeter, Director of the Kansas Water Office

Mark Rude, Executive Director, Southwest Kansas Groundwater Management District #3

Others attending:

See attached list.

Greg Foley, Executive Director, State Conservation Commission, introduced Steve Frost, Water Conservation Program Manager, to talk about the Water Transition Assistance Program (*Water Right Transition Assistance Pilot Project Program, FY2011 Legislative Report*) and the Conservation Reserve Enhancement Program (CREP). Both programs involve voluntary retirement of water rights. In the Water Right Transition Assistance Program, Rattlesnake Creek Basin is a targeted area with issues involving federally held senior water rights owned by the US Fish and Wildlife Service that could affect many junior water users in the basin. Voluntary retirement of water rights is one of the tools to provide an incentive to lessen Consumptive Water Use. Program has been in effect four years. Another area targeted was Prairie Dog Creek in Northwest Kansas where the issue was the state's compliance with the Republican River Compact. Other areas are being identified by the Chief Engineer. He talked about the costs of retiring water usage. Pilot program is set to expire June 30, 2012. Discussion followed.

Mr. Frost also talked about the CREP program. (*Upper Arkansas River Conservation Reserve Enhancement Program Performance Report by the State of Kansas October 1, 2009 – September 30, 2010*). CREP does not allow dryland farming. It is a federal-state partnership to enroll fields and grass for contracted period of 14-15 years for conservation. Conserving water is the primary resource management objective, but it also helps conserve soil, energy and helps protect wildlife habitat. Many other state agencies are partners, among which are KDHE, Division of Water Resources, Geological Survey, plus private partners such as Pheasants Forever. The project area is 10 Western Kansas counties along the Arkansas River and with soil types that are eligible for land cover. One of the main purposes of the State Conservation Commission has been to develop land treatments that promote all types of conservation. Over the three years, the program has enrolled 10,766 acres. FSA has granted approval to increase rental rates, which may increase enrollment, and FSA has approved increasing project size from 20,000 acres to 28,900 acres. Have seen a high level of enrollment in three of the 10 counties. So far have retired 22,162 acre-feet and 93 irrigation wells.

Discussion on both programs followed.

SB 123 - Establishing fees for wildlife and parks cabins

Chairman Ostmeier opened hearing on **SB 123**.

Revisor Tamera Lawrence gave an overview. It would change existing law to allow the Secretary of Wildlife and Parks to directly set fees for the use of cabins owned or operated by the Kansas Department of Wildlife and Parks (KDWP). Current law requires the Secretary of Wildlife and Parks to set cabin fees

CONTINUATION SHEET

Minutes of the Senate Natural Resources Committee at 8:30 a.m. on February 10, 2011, in Room 159-S of the Capitol.

through the administrative rules and regulations process. The bill would exempt the setting of cabin fees from the Rules and Regulations Filing Act (KSA 77-415 through 77-437). The maximum fees for use of KDWP cabins could not exceed \$250 per night; \$1,500 per week; and \$5,000 per month.

Christopher Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, presented testimony in support of the **SB 123**. (Attachment 1) The Department would have increased flexibility to market the use of public cabins with the intent of increasing revenue and encouraging people to enjoy the Kansas outdoors. He stood for questions.

There being no further conferees, Chairman Ostmeyer closed the hearing for **SB 123**.

Senator Ostmeyer called for final action of **SB 123**.

Senator McGinn made a motion, seconded by Senator Francisco that SB 123 be passed out favorably; motion carried.

SB 122 - Authorizing the director of the Kansas Water Office to grant easements on state property on the Arkansas, Kansas and Missouri rivers

Chairman Ostmeyer opened the hearing on **SB 122**.

Revisor Tamera Lawrence gave an overview. The bill would authorize the Director of the Kansas Water Office to grant easements on state property for construction and maintenance of conservation projects with cooperating landowners. State property would be defined as real property currently owned in full or in part by the state in the Arkansas, Kansas, or Missouri rivers in Kansas, in and along the bed of the river to the ordinary high water mark on the banks.

Tracy Streeter, Director of the Kansas Water Office, spoke in support of **SB 122**. The three navigable rivers, Arkansas, Kansas and Missouri, are owned by the state of Kansas. The law would be a benefit to the landowners and the state of Kansas when landowners want to apply for and receive federal funding and permit for a project to solve bed and bank degradation. (Attachment 2) Mr. Streeter stood for questions.

Greg Foley, Executive Director, State Conservation Commission, spoke in support of **SB 122**. (Attachment 3) Mr. Foley said the bill would benefit individual landowners who want to stabilize streambanks on their property to prevent further encroachment of the river into their property. Mr. Foley stood for questions.

Kevin Newkirk, CK Processing, Manhattan, KS, provided written testimony in support of **SB 122**. He wrote that streambank erosion causes soil loss, which increases pollution in streams and rivers. (Attachment 4)

Mark Rude, Executive Director, Southwest Kansas Groundwater Management District #3, provided testimony in opposition of **SB 122**. (Attachment 5) He said the language is too broad, although he supports the intent of the bill. Mr. Rude stood for questions.

There being no further conferees, Chairman Ostmeyer closed the hearing for **SB 122**.

Chairman Ostmeyer announced the next meeting is scheduled for February 17, 2011.

The meeting was adjourned at 9:30 a.m.