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Commissioner - Fourth District

BOARD OF COUNTY COMMISSIONERS
SEDGWICK COUNTY, KANSAS

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TESTIMONY IN SUPPORT OF SB268

Senate Natural Resources Committee

Chair Powell, Vice Chair Kerschen and members of the committee,

I am writing in support of SB268, regarding changes to stream maintenance and obstruction requirements. We believe the proposed modifications to language help provide more clarity and reduce unnecessary permitting delays for counties to complete routine stream maintenance.

The current structure of Sedgwick County stream maintenance projects exempts these projects from all state, federal and local agencies permit requirements, with one exception, the Kansas Department of Wildlife, Parks and Tourism (KDWPT) permit requirements. This bill would allow county crews to respond quickly on waterways that have established bank-lines by exempting stream maintenance projects performed pursuant to KSA 82a-307 from KDWPT oversight. This work is already exempted from the "National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Runoff from Construction Activities" because routine maintenance on streams is not considered construction activity. Additionally, the bill clarifies that counties can perform stream maintenance as long as they do not diminish the course, current or cross section of the stream by more than 5%. This provides an objective measure and helps provide regulatory certainty.

This bill also expands the drainage area required in Sedgwick County for a waterway to be considered a designated stream from 1 square mile to 2 square miles. This change places Sedgwick County in Zone 2 with Reno, Pratt and Kingman Counties, which have hydrology and topography that more closely resembles that of our county.

March 19, 2015

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We believe the benefits of the changes in this legislation include:

- Eliminates need for coordination with KDWPT on routine stream maintenance projects.
 - Note: KDHE exempts routine maintenance projects from NPDES permitting if land disturbance is less than 5 acres.
- Allows property owners to improve drainage without requiring state permits on channels with watersheds less than 2 square miles.
- Reduces the need for multiple permits for the same action on a project.
- Provides an objective measure for diminishing the course, current or cross section of a stream when doing stream maintenance.

Thank you for the opportunity to submit testimony in support of this bill. While these changes will be a significant benefit to counties, and Sedgwick County specifically, there doesn't appear to be any verifiable, negative outcomes. This just makes good sense.

Thank you for your service and allowing me time to speak today.

A handwritten signature in black ink, reading "Richard Ranzau". The signature is fluid and cursive, with the first name "Richard" and last name "Ranzau" clearly distinguishable.

Richard Ranzau, Chairman
Commissioner – Fourth District