

**Testimony Supporting SB 201  
to the Senate Committee on Assessment and Taxation  
by Rob Reschke, Executive Director of the Division of Conservation  
Kansas Department of Agriculture  
March 7, 2019**

Good morning Chairwoman Tyson and members of the committee. I am Rob Reschke and I serve as the executive director of the Division of Conservation within the Kansas Department of Agriculture. Thank you for the opportunity to provide testimony on behalf of KDA in support of Senate Bill 201.

SB 201 calls for a 20-year tax exemption for properties donated by landowners to watershed districts for the required U.S. Army Corps of Engineers 404 permit mitigation conservation easement.

The Division of Conservation provides cost-share assistance to watershed districts in Kansas for the construction and rehabilitation of flood control structures through the Watershed Dam Construction Program and appropriations from the State Water Plan Fund.

The purpose of the watershed districts is to construct, operate and maintain works of improvement needed to provide for water management within designated boundaries.

Construction of new structures requires permitting through the USACE. These are known as the Section 404 permits pursuant to the Clean Water Act.

In order to obtain a Section 404 permit for construction of a structure an applicant watershed district must submit mitigation plans and the easement area for the mitigation, and must secure a USACE-approved third-party easement holder. This process ensures that any unavoidable impacts to the aquatic environment are addressed.

The easement area mentioned is taken out of production perpetually: no grazing, no tilling, no planting of crops, no digging, no mining, or other activities that are or may be detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, or fish and wildlife habitat preservation, including but not limited to ditching, diking, and fencing and no motorized vehicle use is allowed.

This easement area is donated by a landowner for the purposes of the project.

A property tax exemption for the land associated within the easement area creates a good incentive for the landowner to participate.

To be clear, this testimony is in support of a tax exemption for only those lands associated with the mitigation requirements related to USACE Section 404 permitting and construction of new watershed dam structures, and does not and should not apply to the 200,000+ acres of agricultural land with conservation easements in Kansas whose purpose is not mitigation.

Thank you for your consideration. I will stand for questions at the appropriate time.