### Policy/Management

In order to meet the vision of improved protection and management of natural resources for the state of Kansas, there are six public policy/management issues identified, six recommendations to address these issues, and 12 strategies that should be implemented at the state and local level. Adoption of these recommendations and strategies will allow Kansas to properly deal with natural resource policy and management.

### **Kansas Water Office**

**Issue 1.** There is a real need to strengthen, on an on-going basis, communication and interaction among all public and private interests concerned about natural resources policy and management.

**Recommendation:** Establish a process or infrastructure to review and address natural resource issues and strengthen coordination and communication between natural resource entities.

**Strategy i.** Expand the membership and charge of the Kansas Water Authority to provide the planning function and coordination for all natural resources of the state. Many details remain to be developed for this strategy. As a result, the KNRLA recommends a House, Senate or Concurrent Resolution be introduced and adopted during the 2004 Legislative Session to direct the state of Kansas and a committee of stakeholders to fully develop this strategy for legislative consideration in 2005.

<u>Status</u>: While the membership of the Kansas Water Authority was expanded by one member during the 2004 Legislative Session to add the Director of the Kansas Biological Survey as an Ex-Officio member, it was deemed not feasible to have one Authority overseeing all natural resources.

Related, the Governor assembled a Natural Resources Sub-Cabinet at the beginning of this administration to aid in inter-agency cooperation and communication. The Natural Resources Sub-Cabinet is comprised of Kansas Department of Wildlife and Parks, Kansas Department of Agriculture, Kansas Department of Health and Environment, Kansas Corporation Commission, Kansas Water Office, State Conservation Commission and Livestock Commissioner. In addition, the Governor's Natural Resources and Energy Policy advisors participate as needed. The Sub-Cabinet generally meets each week to discuss emerging natural resource issues.

In June 2004, Governor Sebelius announced the reformulation of the State Energy Resources Coordination Council as the Kansas Energy Council. Energy policy is an essential component of our overall strategic efforts to strengthen our Kansas economy and improve our quality of life. The Kansas Energy Council is charged with formulating and coordinating a comprehensive state energy plan and help make recommendations regarding to long-term energy policy to the Governor, Legislature, Kansas Corporation Commission and other appropriate entities. The Council will report its findings annually to the Governor, Legislature and Kansas Corporation Commission.

### Kansas Water Office

<u>Strategy ii.</u> As part of this expansion, develop a formal conflict resolution process and adopt a set of natural resource planning and management principles such as *Enlibra, developed by the Western Governors*, as a guide for natural resource conflict mediation.

<u>Status</u>: Conflict Resolution. The Kansas Water Authority adopted a policy establishing the use of Alternative Dispute Resolution (ADR) in November of 2004 as a way to resolve water resource conflicts. While there are many ADR approaches and techniques, it can best be defined as the "intervention into a dispute by a third party who has no decision making authority, is impartial to the issues being discussed, assists the parties in defining the issues in dispute, facilitates communication between the parties and assists the parties in reaching resolution."

The Authority recognized the inherently fractious nature of many water management issues and endorsed a three-year pilot project to coordinate and encourage the use of ADR. The first component of the pilot program was to train employees from water and natural resources agencies in using mediation for two-party disputes and facilitation for multi-party disputes. Training sessions were held in November-December of 2004 and July-August of 2005. Further training is scheduled for November and December of 2005, with some participants coming from local agencies and organizations that have a role in water resource issues. The Kansas Water Office is coordinating these training sessions.

Policy/Management ssue 2 - Land Use/Planning

The second component of the pilot project was to secure funding to pay for the services of mediators and facilitators when state employees were not viewed as neutral in a particular conflict. The legislature approved \$40,000 of funding for this purpose. The Kansas Water Office also received an additional \$10,000 grant for the same purposes. The first facilitation contract was signed in July of 2005 under this grant for a dispute involving a rural water district. The KWO is also the focal point for assessing whether alternative dispute resolution techniques should be used in resolving disputes brought to its attention by the trained mediators and facilitators in the water and natural resources agencies.

### **Kansas Water Office**

<u>Strategy iii</u>. Encourage the Governor to have the Natural Resources Sub-Cabinet develop a natural resources inventory and work to better plan and manage these resources.

<u>Status</u>: No formal comprehensive natural resource inventory has been implemented due to funding constraints. However, portions of this effort are currently being done or are in the planning stages. Examples include the following: Natural Heritage Inventory at the Biological Survey, ongoing water quality data collection by the Department of Health and Environment, surveys of terrestrial and aquatic biological resources by the Department of Wildlife and Parks, an ongoing annual forest inventory conducted by the Kansas Forest Service in cooperation with the USDA Forest Service, surveys of plant and animal pests by the Department of Agriculture and a developing water resource database being planned by the Water Office.

Expanding the current data collection efforts and adding new programs to fill in gaps in information would benefit the state. However, implementation of a statewide, ongoing natural resource inventory would have a significant cost associated with the effort. Until new sources of funding are identified, new large scale efforts would be difficult to implement.

In 2003 the Mid-America Regional Council (MARC) began developing a natural resource inventory of digital map data showing valuable natural resources and ecological features of the Kansas City region which is important to the overall strategy of natural resources management. The natural resource inventory is available at <a href="http://www.marc.org/environment/nri/">http://www.marc.org/environment/nri/</a>.

### Kansas Water Office (w/ League and KAC)

<u>Issue 2</u>. In addition to the need for improved management on some lands to enhance their productivity and environmental benefits, Kansas is seeing increasing conversion of landscapes to other uses without proper planning or consideration of environmental impacts.

**Recommendation:** Encourage land use planning and adoption of management practices to protect our changing landscape.

<u>Strategy i</u>. Encourage adoption of county planning and zoning guidelines to incorporate natural resource management into land use decision-making.

<u>Status</u>: In April 2005, the Kansas Energy Council issued Wind Energy Siting Guidelines for Kansas Cities and Counties. The voluntary guideline options are intended for Kansas cities and counties to consider in response to possible wind energy development in their areas. Power generation from wind is a new type of development in Kansas. In order for wind energy development to proceed in a manner that is carefully planned, inclusive, and expeditious, it is necessary to anticipate potential impacts and engage in a process that addresses various components and issues.

### Kansas Energy Council

Policy/ Manag <u>Strategy ii</u>. Establish state and local policies that support the development of alternative and renewable energy sources and evaluate the impacts of new energy resources such as coal bed methane and wind generation on land and other natural resources.

<u>Status:</u> <u>Kansas Energy Council</u> - The Governor issued Executive Order 04-05 outlining the development of the Kansas Energy Council (KEC). The KEC shall collect and compile information pertaining to the energy resources, including wind and biomass, in the state, as well as the availability, production and use of energy in the state.

The KEC is responsible for formulating and coordinating a comprehensive state energy plan with strategies to: 1) Ensure a low-cost, reliable and sustainable energy supply; 2) Increase energy efficiency and conservation; 3) Develop a balanced renewable energy policy that promotes our state's renewable and alternative energy resources and preserves those natural ecosystems and places of scenic beauty that cannot be replaced; 4) Extend the life of existing energy resources; 5) Enhance energy related research and development; and 6) Ensure an adequate and stable state energy infrastructure.

The KEC develops and maintains a state energy plan which includes: 1) Estimates of energy consumption by Kansas residents for the next 12, 36 and 60 months by energy category; and 2) Estimates of energy production by energy source for the next 12, 36, and 60 months by energy category.

Rural Life Task Force - The Governor appointed 43 people to the Rural Life Task Force at the beginning of her term. Members of the task force were asked to examine ways to preserve, renew and sustain the value of rural Kansas in the economic and cultural life of Kansas. They divided into team to discuss energy, infrastructure, health, human services, agriculture, diversified economy, government and community empowerment. Their recommendations became a part of legislation and actions to support agritourism and provide economic development incentives for rural areas of the state. A subteam that worked on rules and regulations regarding direct-marketed and value-added agriculture helped develop proposed legislation to assist direct marketers and will sponsor a series of direct marketing workshops at several locations in the state this winter. Another sub-team selected three pilot communities for a rural development mentoring project: those communities will be announced soon. The task force cosponsored a trip to Minnesota to visit with community wind advocates and businesspeople. That trip may result in community wind legislation. The governor has said the task force will continue its work while she is in office.

Governors Ethanol Coalition – Kansas has been a member of the Governors Ethanol Coalition (GEC) since it was formed in 1991. In November 2004, Governor Sebelius was elected vice chairwoman of the GEC, beginning in January 2006, she will serve as the Chair of the Coalition. There are 32 states that are members of this council. The Coalition's goal to increase the use of ethanol based fuels, to decrease the nation's dependence on imported energy resources, improve the environment and stimulate the national economy. It also supports other renewable fuel alternatives, such as biodiesel and, eventually, other cellulose to ethanol production, like from switchgrass or corn stover. Last year's GEC report on Cellulose to Ethanol contained a number of recommendations for increased production, sales, and research and development on renewable transportation fuels. Many of those recommendations became a part of the 2005 federal Energy Bill that was signed by the president last summer.

### **State Conservation Commission**

Polic y/Ma

**Strategy iii.** Promote the use of voluntary conservation easements through private, state and federal programs as a means of protecting prime farmlands and unique landscapes.

Status: The Governor recommended \$800,000 for conservation easements in the FY 2006 SCC budget. The SCC, Kansas Livestock Association, the Kansas Land Trust and a few other interested organizations were proponents of the appropriation during the SCC budget hearings. The FY 2005 Legislature added \$31,250 from the EDIF to match conservation easements funding in the USDA Farm and Ranchlands Protection program. This amount will be dedicated to a previously identified easement opportunity in Morris County. The SCC enhancement request for FY 2007 is \$311,000 and is a result of state and local entities and non-governmental organizations such as the Kansas Livestock Association Ranchland Trust (KLA-RT), The Nature Conservancy, and the Kansas Land Trust recruiting landowners to participate in the USDA Farm and Ranchlands Protection Program. Kansas NRCS has requested \$623,000 for the FFY 2006 FRPP program to be used toward the acquisition of 4,820 acres of conservation easements.

Several public and private entities now exist in Kansas that have the ability to accept conservation easements from landowners willing to donate them. Private entities include the Kansas Land Trust, Sunflower Land Trust, Kansas Livestock Association Ranchland Trust (KLA-RT), and The Nature Conservancy. Also, state and federal agencies including the Kansas Department of Wildlife and Parks, Natural Resource Conservation Service and the U.S. Fish and Wildlife Service have the ability to accept conservation easements. Donated easements represent an important option for both landowners and land trusts to protect important lands in Kansas. The tax benefits of donated easements have been an incentive for some landowners; however experience is showing that donated easements alone make it difficult to target specific areas.

Tallgrass Prairie National Preserve - In March of 2005, The Nature Conservancy assumed ownership of the Tallgrass Prairie National Preserve, located 2 miles north of Strong City, Kansas on Highway 177. Containing nearly 11,000 acres, the Tallgrass Prairie National Preserve is a unique public/private partnership among three entities. The Nature Conservancy owns the land, pays full property taxes, and collaborates with the National Park Service on natural resource management. The Kansas Park Trust operates the gift-shop and will promote and develop tourism opportunities. The National Park Service will manage the overall visitor access and experience. This partnership is dedicated to preserving and enhancing a nationally significant remnant of the tallgrass prairie ecosystem; preserving and interpreting the cultural resources of the preserve and its ranching heritage; and offering opportunities for education, inspiration and enjoyment of its geological, ecological, scenic and historical features.

### Kansas Water Office (w/ KDHE and DWR)

**Issue 3.** Groundwater quality and quantity in some areas have declined to an extent that water could be a limiting factor for future economic and population growth.

**Recommendation**: Encourage review of groundwater quantity and assess groundwater quality.

<u>Strategy i.</u> Work with groundwater management districts, municipal water use officials, conservation districts and other stakeholders to develop and implement incentives for water management strategies to more effectively utilize and /or re-use surface and ground water resources in Kansas.

Policy/Manage ment

<u>Status:</u> <u>Water Management</u> - A Water Issue Strategic Plan for the Ogallala- High Plains aquifer has been developed and annually updated by State Agencies and Groundwater Management Districts (GMDs) #1, 3 and 4 to conserve and extend the life of the aquifer. Aquifer subunits are being delineated and prioritized for conservation by the GMDs and by Division of Water Resources for areas of the aquifer outside the GMDs. Stakeholders will be involved in identifying management strategies for the high priority aquifer subunits.

A High Plains website (<a href="www.HiPlain.org">www.HiPlain.org</a>) has been established to share current maps, reports, and aquifer conditions with Kansas water users. A voluntary program for well owners to measure the depth to the ground water is tentatively slated to begin this winter (January 2006) in GMD #3. These voluntary measurements would be entered into an on-line database that helps fill in the data gaps. It also allows a landowner to have first hand knowledge of the aquifer conditions under his/her land.

The Kansas Water Office, KDA-Division of Water Resources and Groundwater Management District #4 are in discussions with a self-organized group of southern Thomas County irrigators to reduce water use. Incentive programs to transition to dryland farming and ground water modeling to quantify levels of overdrafts are being explored.

A surface – ground water model for the Middle Arkansas River subbasin is nearing completion to refine the estimated overdraft quantity, and project possible river and aquifer responses to various reductions in pumping. Circle K Ranch lies within the modeled area. The model is being developed by the Kansas Geological Survey, with frequent discussions by the KDA-Division of Water Resources, Kansas Water Office, Groundwater Management District #5, and a representative for WaterPACK, an irrigators' organization.

<u>Water Reuse</u> - The KWO on behalf of the state has entered into a special study with the Bureau of Reclamation to focus on water resource issue in the SC part of the state. The study is being done in cooperation with a coalition of community and county officials in the area. One of the considerations will be to evaluate nonconventional water supply sources, included reuse.

### Kansas Water Office (w/ SCC and DWR)

<u>Strategy ii.</u> Develop and implement water management strategies to reduce water use in critical or high priority areas and provide for an economic transition from irrigated to dryland farming.

Status: Beginning with sign ups in the fall 2005, the NRCS Environmental Quality Incentive Program (EQIP) Ground & Surface Water Conservation has a new priority in the High Plains aquifer called Quick Response areas. Higher incentive rates are offered to convert irrigated cropland to dryland (cropping, grazing, haying or range), to encourage land owners to enroll land in locations that water conservation is especially needed. The Kansas Water Office, KDA-Division of Water Resources, and State Conservation Commission with the four western Groundwater Management Districts (#1, 3, 4 and 5) developed the proposal to offer \$100/acre for three years for at least four years of dryland practice. The priority areas were identified by the GMD boards, and by DWR for areas of the aquifer outside a GMD. This proposal was supported by the advisory Kansas Technical Committee prior to adoption by NRCS. It is anticipated this program could provide a set aside of irrigation water rights on up to 8,000 acres.

The State Conservation Commission is exploring funding state contracts for multi-year water right setasides that would compliment the NRCS incentive contracts. If funded, the state contracts would extend the number of years of non-irrigation.

A permanent retirement program has been presented to the legislature for over appropriated areas. If authorized and funded, it would be administered by the State Conservation Commission. The Kansas Water Authority recommended funding for a water right retirement program in the 2007 budget. The Kansas Water Congress is drafting a legislative proposal for 2006 to implement a permanent retirement program.

State agencies are in the early phases of developing a Conservation Reserve Enhancement Program (CREP) proposal. The CREP proposal is focused on irrigated lands adjacent to and influencing the Arkansas River from the state line to the gage east of Great Bend. The CREP is a type of Conservation Reserve Program (CRP) that is enhanced to address state resource concerns. As with CRP, it would be administered by the USDA, Farm Services Agency. The Kansas CREP could address water conservation in the stream and aquifer, along with water quality concerns and wildlife habitat deterioration. It is a way to leverage state and local dollars with an 80:20 federal / non-federal partnership, and would provide an incentive option to producers to enroll land and receive irrigated rental rates for up to 15 years. A final CREP agreement would be signed by the Governor of Kansas and USDA Secretary of Agriculture.

### **Kansas Water Office**

<u>Issue 4</u>. Changing demographics through a shift from rural to urban are placing increased demands on urban water infrastructure at the same time it is making it more difficult for declining rural populations to sustain their needed water infrastructure.

**Recommendation:** Promote development and coordination of policy and planning to address water quality concerns posed by changing demographics.

<u>Strategy i</u>. Offer assistance and incentives to cities and counties to address natural resource protection in rapidly expanding urban areas.

<u>Status</u>: This is another component of the South central Kansas water availability study mentioned previously. In addition, the KWO coordinated sessions with the League of Kansas Municipalities for the last 2 years and with the Kansas Association of Counties offering workshops on urban growth and natural resource protection and restoration issues.

The KS-WRAPS program can also provide technical and financial assistance to urban communities for watershed planning and management projects addressing a variety of natural resource issues.

### State Conservation Commission

Strategy ii. Expand the focus of the state Buffer Initiative to include municipalities.

Status: None.

### Kansas Water Office (KDHE/WRAPs)

<u>Issue</u> 5. Natural resource planning and management activities in Kansas are presently based on a variety of resource and political boundaries making interagency coordination and communication more difficult.

**Recommendation**: Support watershed-based management initiatives as an appropriate tool to protect surface water quality.

<u>Strategy i.</u> Encourage state agencies, counties, conservation districts and watershed districts to plan and manage natural resources on a watershed basis.

**Status:** Watershed-Based Planning and Management - In 2003, an initiative was undertaken through the state water planning process to identify basin priority issues in each of the state's twelve major river basins from the basin sections contained in the *Kansas Water Plan*. Watershed restoration and protection was identified as a basin priority issue in seven of these basins. This identification process involved state water related agencies, basin advisory committees and the Kansas Water Authority. The *Kansas Water Plan* was reformatted to highlight the priority issues identified in each basin.

Following the identification of basin priority issues, the water-related agencies developed strategic management plans to address the issues. This was done under the direction of Governor Sebelius' Natural Resources Sub-Cabinet. A strategic plan was prepared to address watershed restoration and protection needs on a priority basis through a multi-objective, watershed-based planning and management framework. The plan called for enhanced state funding to support the development of watershed restoration and protection strategies (WRAPS) in priority areas with direct involvement of local stakeholder groups in the planning and management process.

The strategic plan was formally adopted by the Natural Resources Sub-Cabinet through a memorandum of agreement and endorsed by the Kansas Water Authority as the Kansas Watershed Restoration and Protection Strategy (KS WRAPS). An interagency work group was organized to provide oversight to implementation of the KS WRAPS program. A request for \$800,000 from the State Water Plan Fund to support WRAPS development and implementation in priority watersheds was included in the Governor's FY 2006 budget and approved by the Legislature. This funding will be combined with approx. \$1.2 million in federal 319 project funds to support WRAPS projects. This funding is designed to supplement existing funding sources that may be available for WRAPS development, assessment, planning and implementation activities. A number of WRAPS type projects are already active in the state, such as the Cheney Lake Watershed Project in South Central Kansas and the Hillsdale Lake Water Quality Project in Northeast Kansas.

A WRAPS Workshop was conducted in January 2005 to introduce the KS WRAPS program and to provide guidance to local groups on the WRAPS process and opportunities for funding. Over 150 persons from across the state attended the workshop. Grant applications for WRAPS projects in specific watersheds were solicited during February and March 2005. The WRAPS work group conducted an initial screening of the applications received and are currently considering the remaining applications for funding in FY 2006. The WRAPS work group will make final FY 2006 funding recommendations to the Natural Resources Sub-Cabinet for approval. Additional state funding is being requested for the FY 2007 budget and another grant solicitation period is expected to begin around January 2006.

### **Kansas Department of Health and Environment**

<u>Issue 6</u>. Air quality needs a continuing examination because of its importance to the health and livelihood of Kansans and the long term effects of air quality on the future quality of life.

**Recommendation:** Encourage study and continued monitoring of air quality in Kansas to identify any deterioration trends and sources, and develop solutions to identify problems or emerging areas of concern.

<u>Strategy i.</u> Cooperate with national partners to examine the role of non-traditional pollutants in Kansas air quality and the connections to economic development. These efforts should include state of the art research to ensure decisions are based on sound science.

<u>Status</u>: The primary non-traditional pollutant that KDHE has focused efforts on in 2005 is ammonia. The Bureau collected point source ammonia emissions data in addition to criteria pollutant data in 2005. The bureau also conducted ammonia-monitoring activities near a confined animal feeding operation in western Kansas and a refinery in 2005.

KDHE, in conjunction with the Kansas Department of Agriculture and the Environmental Protection Agency, has met with representatives of the agricultural community to discuss air pollutant emissions resulting from agricultural activities such as prairie or crop residue burning, confined animal feeding operations, and fertilizer application. These discussions have included steps that can be taken in the short-term to reduce the impact of agricultural activities on public health as well as long-term research needs that would form the basis of recommended best management practices for the future. KDHE staff has developed contacts with researchers through these efforts and the regional haze program activities. Pollutants being reviewed include ammonia, particulate matter, volatile organic compounds and nitrogen oxides.

An air quality-agricultural summit is being planned for early Spring of 2006 to bring together Kansas agricultural interests with researchers and technical experts on topics such as: using remote sensing techniques to determine the extent of rangeland burning and the health and environmental impacts of air pollutants from agricultural sources. A continuing problem in addressing this issue will be the availability of resources to fund the necessary research.

### Kansas Department of Health and Environment

<u>Strategy ii</u>. Expand outreach efforts to the regulated community to assist in reducing emissions of air pollutants in a cost-effective manner.

<u>Status</u>: KDHE has expanded outreach to the regulated community in several ways in 2005. The Bureau conducted an uplink-training program in May of 2005. The program covered both regulatory and policy aspects of the air quality program. The regulated community participated in the full-day session in Topeka, Wichita, Salina and Overland Park. The Bureau has also focused on upgrading the Bureau web site to ensure that all permit applications, guidance documents, reporting forms and other information is available to the regulated community electronically. Continued expansions of these activities are planned for 2006 within KDHE through the Bureau's contract with KSU.

### **Kansas Department of Health and Environment**

**Strategy iii.** Develop outreach efforts to educate the public about air quality issues and to involve the public in finding solutions and assist in promoting "clean" sources of energy.

<u>Status</u>: KDHE has started the development of a statewide public education plan. The first step in this plan is to work with local agencies that the KDHE has agreements with to develop a coordinated approach toward the air quality message and delivery mechanisms that will be used in those counties. This process was incorporated into the agreements that were negotiated for the upcoming year and will be completed during 2006.

Policy/Management ssue 6 – Air Quality

Policy/Management Issue 6 – Air Quality A new outreach initiative that KDHE is in the process of launching is the Yard Care for Clean Air program. This program is aimed at addressing air pollutant emissions from yard care equipment. Larger municipalities that are close to violating the ozone standard will be the primary target area. KDHE will identify partners at all levels of the yard care industry, as well as local governments to participate in the program. The program is intended to educate industry, government and the public about emissions from lawn and garden maintenance activities and the role they play in ozone formation. The program will identify strategies such as native landscaping, improved maintenance practices, purchase of lower emitting equipment and other techniques to reduce the impact of lawn maintenance on air quality. The KDHE sponsored a training session for commercial lawn care firms in Olathe in September of 2005 and is planning a second session in Wichita in November of 2005.

### **Finance/Tax Incentives**

The ability of the state to achieve and maintain a healthy environment is dependent on maintaining a vibrant economy. Natural resource protection and enhancement will require adequate and reliable funding and is considered an investment in the state's future. A variety of public and private resources can be initiated to support and sustain natural resource protection and enhancement programs or to fund individual projects. Irrespective of the funding source, expenditures should be tied to accountability measures and performance based systems so as to provide public accountability and reflect degree of success.

### **Kansas Water Office/Kansas Water Authority**

<u>Issue 7</u>. State funding through the State Water Plan Fund and other sources has declined from the original plan and does not adequately support water and natural resource related programs and project needs.

**Recommendation**: Establish reliable and sustainable funding and maximize existing funding for natural resources protection and enhancement.

<u>Strategy i.</u> Restore the State Water Plan Fund to original revenue levels and finance state natural resource programs in existence prior to 1989, from the State General Fund.

<u>Status</u>: During the 2005 Legislative Session, the Governor recommended and the legislature approved restoration of the State Water Plan Fund demand transfers from the State General Fund (\$6M) and Economic Development Initiatives Fund (\$2M). The second phase of this effort has been submitted by natural resource agencies in their FY2007 budget request.

The Budget Committee of the Kansas Water Authority developed recommendations on the FY2007 State Water Plan Fund budget. Through their meetings and discussions they identified restoration of agency operational costs from State Water Plan Funding to State General Funding as a critical priority. The Kansas Water Authority debated and approved budget recommendations for the State Water Plan Fund.

A key component of Phase II of the Water Plan Projects Initiative is the shift of operational expenses from the State Water Plan Fund to being funded from the State General Fund. The Department of Health and Environment, Division of Water Resources, State Conservation Commission and Water Office has requested additional State General Funds totaling \$2.2M to replace State Water Plan Funds used for agencies' operational costs. The transfer of these expenditures to the SGF will allow for additional expenditures from the State Water Plan Fund to be used for specific projects to address water resource needs in accordance with original intent of the State Water Plan Fund.

### **Kansas Water Office**

<u>Strategy i.</u> Identify additional dedicated sources of funding for natural resource protection and management.

<u>Status</u>: Near the end of the 2005 Legislative Session, the State of Colorado approved a measure to pay Kansas \$34,615,146 as a result of the U.S. Supreme Court ruling on the Kansas v. Colorado lawsuit regarding violations of the Arkansas River Compact. Funds were received from Colorado on April 28, 2005. The Kansas legislature deposited these funds into three accounts, to only be used upon specific authorization by appropriation of the legislature. Sections 76 (e) and (f) and Section 79 (f) of Senate Substitute for House Bill 2482 appropriated these monies into the accounts specified in statutes.

Fund/Account Designation	Agency	Amount
State Water Plan Fund – Water Conservation Project		
Reserve Account	Kansas Water Office	\$4,842,212
Water Conservation Projects Fund	Kansas Water Office	\$9,684,425
Interstate Water Litigation Water Litigation Reserve		
Account	Attorney General	\$20,088,509
Total		\$34,615,146

The 2005 Legislature included an appropriations proviso in Section 76 of Senate Substitute for House Bill 2482 which states that "no expenditures shall be authorized or made from the water conservation project reserve account of the state water plan fund or the water conservation projects fund by any state agency, except upon specific authorization therefore by appropriation act of the legislature."

Even though the \$4,842,212 was deposited into the State Water Plan Fund, the Kansas Water Authority determined that their FY2007 budget recommendations should account for these funds separate from the original State Water Plan Fund.

The Water Conservation Project Fund received \$9,684,425. K.S.A. 82a-1803 instructs the director of the Kansas Water Office to administer these funds in the area of impact. The goals in administering these funds are to efficiently use the financial resources to move the area toward the most efficient use of water while considering economic and social conditions. Projects need to be complimentary and synergistic, fitting the statutory requirements for the Water Conservation Project Fund. The most effective use will be to use the funds as match to other funding sources whenever possible to the best advantage of the water users in the area and public interests.

Clean Drinking Water Fee Fund – The 2005 Legislature approved legislation that will deposit the Clean Drinking Water Fee Fund into the State Water Plan Fund beginning in FY2008. This fund generated approximately \$2.5M in FY2005.

This legislation requires that at least 15% be used to provide on-site technical assistance for public water supply systems, and 85% be used to renovate and protect lakes used as a source of water for public water supply systems.

Finance/Tax Incentives

### State Technical Committee (SCC/KDHE/KWO/KDA)

<u>Issue 8</u>. Conservation and increased protection of our soil, water, wildlife and plant resources are necessary to meet increased demands for natural resources and maintain a viable, diverse economy.

**Recommendation:** Promote conservation on working lands for habitat protection and environmental stewardship.

<u>Strategy i.</u> Optimize the use of the federal Farm Bill monies to implement conservation and management practices on private lands.

<u>Status</u>: <u>Kansas Water Quality Buffer Initiative</u> - The Kansas Water Quality Buffer Initiative was expanded to include all high priority TMDL areas July 1, 2004. In 2005 the Initiative was again expanded to include all 20 federal drinking water reservoirs in the state. The Kansas Water Quality Buffer Initiative has proven a valuable and cost effective program providing a state incentive to promote participation in the federal Conservation Reserve Program filter strip and riparian buffer practices.

<u>USDA Conservation Reserve Enhancement Program</u> (CREP) - The state of Kansas will seek to obtain federal funds through the United States Department of Agriculture (USDA) to provide incentives to landowners to enter into the CREP to reduce consumptive use in the Upper Arkansas River Valley. An offspring of the Conservation Reserve Program (CRP), CREP is a voluntary program for agricultural landowners. Unique state and federal partnerships allow landowners to receive incentive payments for setting aside land for soil and water conservation. Through the CREP, farmers can receive annual rental payments and cost-share assistance to establish long term resource conserving covers on eligible land. Practices such as native vegetation would be eligible with a contract period from 10 to 15 years. Up to 100,000 acres can be enrolled in this program with the state match 20% and the federal 80%. Similar to the approximately \$170 million CREP developed by the state of Nebraska to address water quantity concerns, the Kansas CREP is proposed for targeted areas adjacent to the Arkansas River in the reach between the Colorado state line and Great Bend. The mission of the CREP effort is to reduce the consumptive use of water in the project area. The actual eligible area and specific program components are yet to be developed. Using the Nebraska CREP as an example, the initial projections of cash and in-kind contributions indicate a Kansas CREP could exceed \$115 million in federal funding over a 15 year period, assuming state and other non-federal in-kind and direct match contributions can be identified. The \$4,000,000 proposed from the SWPF derived from the Kansas vs. Colorado settlement would be used as an added incentive program to complement CREP and will provide a major contribution to the non-federal match.

Quick Response Areas allocation - This enhancement for FY 2007 is an incentive program to encourage the use of existing Environmental Quality Incentives Program (EQIP) ground and surface water funds in targeted areas of the High Plains Aquifer. This project proposes to provide additional incentive payments over and above EQIP incentive payments provided for conversion of irrigated land to dryland for a period of 3-10 years. Multi-year irrigation water set-aside program would complement the EQIP Ground and Surface Water dryland incentive grants. Quick response areas have been identified by the Groundwater Management Districts and the Division of Water Resources to encourage irrigation set aside in key, water short areas with higher incentive rates than the regular EQIP. A state set-aside program would provide an important link to the federal and Groundwater Management District efforts.

### **State Conservation Commission**

<u>Strategy ii</u>. Expand and provide adequate funding for the state's Buffer Initiative Program to include additional counties.

<u>Status</u>: The Kansas Water Quality Buffer Initiative was expanded to include all high priority TMDL areas July 1, 2004. In 2005 the Initiative was again expanded to include all 20 federal drinking water reservoirs in the state. The Kansas Water Quality Buffer Initiative has proven a valuable and cost effective program providing a state incentive to promote participation in the federal Conservation Reserve Program filter strip and riparian buffer practices. Additional funding will be needed to continue this program in FY2008 and beyond to continue encouraging producer enrollment into the federal program.

### **State Conservation Commission**

<u>Strategy iii</u>. Increase the state's role in providing conservation program technical assistance to landowners and operators.

Status: The Commission entered into a contribution agreement with the USDA, NRCS in FY 2005 to provide technical assistance in priority and high workload areas. These funds were matched by federal technical assistance funds provided by NRCS. In FY 2004 the SCC and NRCS identified a shortfall in the technical service provided by NRCS to state cost share programs and particularly the Water Resources Cost-Share Program (WRCSP). This shortfall is a result of the increasing federal appropriation to the Environmental Quality Incentives Program (EQIP) causing an increased workload on field staff. With NRCS matching the state contribution, eight state Special Project Officers (SPOs) were hired in the fall of 2004 to assist NRCS with EQIP implementation thus enabling NRCS field staff to devote adequate time to state WRCSP technical assistance. Current year funding is for eight SPOs. Salaries and wages for FY 2006 will be \$166,699 from the State Water Plan and \$166,828 Federal funds from NRCS totaling \$333,527. Salaries and wages for FY 2007 will be \$163,466 from the State Water Plan and \$163,466 from NRCS in federal funds totaling \$326,932.

The Kansas Water Quality Buffer Partnership has utilized state (Kansas Department of Wildlife and Parks) funding to match federal 319 funding to provide technical assistance to assist local conservation districts and USDA staff in promoting and installing conservation buffer practices. This program has funded local buffer coordinators who have provided on the ground assistance in over 40 counties the last three years to promote these buffer practices. The SCC has facilitated the effort to provide on the ground coordination to implement these efforts with funding from the Environmental Protection Agency and Kansas Department of Wildlife and Parks. The funding agencies are re-evaluating the outputs to determine if they wish to continue funding.

Since 2004 the Kansas Forest Service has employed a watershed forester through a contract with Lake Region RC & D to implement forestry Best Management Practices (BMPs) in high priority TMDL watersheds in the Marais des Cygnes Basin as part of the Basin's WRAPS goals. In addition, the Kansas Forest Service also hired a watershed forester to implement forestry BMPs in high priority TMDL watersheds state-wide. Both positions are funded through Section 319 of the Clean Water Act. Since 2004 the Kansas Forest Service has had a Technical Service Provider agreement with NRCS to write plans and certify implementation of forestry practices for USDA conservation programs such as EQIP for Forestland Health and Continuous CRP.

### **State Conservation Commission**

<u>Strategy iv.</u> Appropriate state funding and/or propose state tax incentives for voluntary conservation easements.

<u>Status</u>: The FY 2005 Legislature added \$31,250 from the EDIF to match conservation easements funding in the USDA Farm and Ranchlands Protection program. This amount will be dedicated to a previously identified easement opportunity in Morris County.

<u>The Nature Conservancy</u> – During 2004/2005, The Nature Conservancy has purchased a 3,247 acre conservation easement and is in the final stages of completing two other purchased easements that total 1,500 acres. Additionally the Conservancy expects to finalize a donated easement of more than 9,000 acres in 2006. In its current capital campaign the Conservancy has a goal of raising \$1.75 million to fund additional conservation easements.

### **State Conservation Commission**

<u>Strategy v.</u> Review and/or revise property tax statutes related to waste lands, tree plantings and riparian buffer classifications to ensure uniform interpretation by county appraisers.

<u>Status</u>: This past year the State Conservation Commission staff worked with Property Valuation Division to revise the Kansas Riparian Buffers Agricultural Real Estate Property Land Use Change Worksheet to include new Continuous Conservation Reserve Program practices and clarify which practices included trees and should be taxed as wasteland.

Finance/Tax Incentives

# **Outdoor Recreation and Tourism**

## Outdoor Recreation and

### **Economic Development/Outdoor Recreation and Tourism**

The changing demographics of Kansas require that the state be proactive in meeting the future needs for economic development, providing green space and outdoor recreation, and tourism. Access to additional public and leased private land is necessary to meet the current and anticipated future demand for outdoor recreation and tourism. These activities will lead to a more diverse and stable economy.

### **Kansas Department of Wildlife and Parks**

<u>Issue 9</u>. Growing demands for outdoor recreation from expanding urban centers and communities throughout the state are creating pressures and opportunities for both public and private lands.

**Recommendation:** Enhance quality of life and well being of citizens by promoting outdoor recreation, education and understanding of Kansas natural resources.

<u>Strategy i.</u> Promote access to outdoor recreation through private sector enterprises, private/public partnerships, technical assistance, funding, and tourism enterprises.

<u>Status</u>: Cooperative efforts with local trails and friends groups are expanding outdoor opportunities. The assistance of these local groups have made new trails, tours and other opportunities available that would not exist otherwise.

The Department continues to provide technical assistance and funding to landowners and local communities for fish and wildlife management and park development. The Community Fishing Access Program is one example. In addition, by continuing to pass through federal funds from the Land and Water Conservation Fund to local governments, additional park and recreation facilities are constructed.

Demand for these services continues to exceed available funds.

### **Kansas Department of Wildlife and Parks**

<u>Strategy ii.</u> Develop additional leasing programs such as walk-in hiking and non-game recreational activities, and expand the walk-in hunting program.

<u>Status</u>: The Walk-In Hunting program has been expanded statewide and now includes approximately 1 million acres leased each year for public hunting. In addition, the program has been expanded to include the lease of property for spring turkey hunting. Walk-In Hunting continues to be a very popular program with the hunting public and attracts both residents and non-residents alike. Also, the Walk-In Fishing Program which leases fishing access for the public from private landowners is growing and proving to be very popular.

Efforts specifically for other walk-in types of lease programs for hiking, wildlife viewing and other non-hunting or fishing uses have not been implemented. The primary reason is no suitable source of funding exists. The Department believes these concepts have merit, but without additional sources of funding we do not expect any programs to be initiated in the near future.

### **Kansas Department of Wildlife and Parks**

**Strategy iii.** Enhance existing public lands and acquire from willing sellers, targeted state-owned lands to increase the recreational opportunities for Kansans.

<u>Status</u>: Modest acquisitions have occurred, typically associated with existing public lands. A current significant effort is the proposed acquisition of State Park 24 in Topeka, which would provide park and hiking opportunities within a major metropolitan area. Kansas continues to be near last in the nation in available public lands. The availability of public lands continues to be a significant quality of life issue for the residents of Kansas.

Outdoor Recreation as

### Outdoor Recreation

### Kansas Department of Wildlife and Parks

<u>Strategy iv.</u> Offer technical assistance, funding, or other incentives to local units of government, organizations, private citizens or small businesses to identify and develop water-based recreation for local public use.

<u>Status</u>: The Department has initiated a significant partnership program with local governments to provide management assistance, infrastructure development and operational funds for access to water bodies owned by local units of government and fishing opportunities for the public. Through the Community Fishing Access Program a total of 113 community lakes and ponds are now enrolled. The result is increased access opportunities for the public.

### **Education**

If there was one consistent theme throughout the public comment period and the expert testimony received during the regular meetings of the KNRLA, it has been the broad support for education about natural resources and environmental issues. Access to natural resources information and education will result in a citizenry that is better prepared to make informed decisions. The state should both increase funding to strengthen existing natural resource and environmental education programs, as well as develop additional educational opportunities for decision makers and the general public.

### **Multiple Agencies**

**Issue 10.** A need exists to improve natural resource and environmental education in the K-12 formal education process, higher education, and the non-formal youth and adult education areas.

<u>Recommendation</u>: Develop sustainable funding support for natural resource and environmental education.

<u>Strategy i.</u> Support continued funding for natural resources and environmental education in the Department of Education budget request.

Education

<u>Status</u>: To improve natural resource and environmental education for K-12 children, Kansas Association for Conservation and Environmental Education (KACEE) secured a grant to develop a statewide Environmental Education (EE) Plan. This plan will provide direction for teachers, education and natural resource agencies, informal educators, business and industry stakeholders, and Kansas citizens in improving EE in Kansas. This plan is being developed by a consortium of diversified organizations who will be asked to make commitments to work cooperatively to implement the plan.

A group of conveners, including the Kansas Water Office representing State natural resource agencies, Kansas State Department of Education, Kansas Board of Regents as well as private organizations such as Kansas Farm Bureau, KACEE, Pheasants Forever, Kansas Natural Resources Council, and The Nature Conservancy has involved a wide range of stakeholders to take part in developing the plan. A facilitator was hired who is outside any of the organizations involved to assist in its development. Included in the plan is a process to monitor the plan's implementation. The plan is expected to be completed by the end of 2005.

The FY2006 request made by KACEE was supported through both the recommendations of the Kansas State Board of Education and additional support from the natural resource related state agencies and organizations, as well as some Kansas business and industry supporters. KACEE received the requested \$35,000 in funding through the Board of Education and will request continuation of this funding for FY2007 at the same level. Through the Kansas Water Office and the State Water Plan Fund, KACEE received \$45,000 for the nationally recognized water education program, Project WET for K-12 teachers, and the same level is being requested for FY2007.

The Watershed Management Section of KDHE - Bureau of Water is responsible for managing the Kansas Nonpoint Source Pollution Control Program. Information and education activities are a critical tool in helping Kansas' citizens be aware of the adverse water quality impacts of nonpoint pollutant sources and the actions each individual can take to restore degraded waters and prevent degradation of good quality waters.

The Watershed Management Section uses a portion of the annual Section 319 Nonpoint Source Pollution Control Grant funds it receives from the United States Environmental Protection Agency to support this effort. Funds are used to support the information and education activities of Watershed Management Section staff as well as support of work carried out by other state institutions and nongovernmental organizations such as Kansas Association of Conservation and Environmental Education (KACEE), K-State Research and Extension), Kaw Valley Heritage Alliance as well as many other organizations.

### **Multiple Agencies**

Strategy ii. Hold an annual Natural Resources Forum to serve as a venue for broad discussion and education about natural resource issues and related concerns.

<u>Status</u>: There are many meetings and conferences that are held throughout Kansas. For the purposes of this report, some of these have been categorized below for governmental and non-governmental as well as the frequency and sponsor of the event.

Governmental Organization	Frequency	Sponsor
Water and the Future of Kansas	Annual	KSU & KWRI
Kansas Environment Conference	Annual	KDHE
State Conservation Commission Spring Meeting	Annual	SCC
Kansas Dept. of Agriculture Division of Water Resources	Annual	KDA/DWR
Groundwater Management Districts (Garden City, Colby,	Annual	GMDs
Halstead, Scott City and Stafford)		
12 River Basin Advisory Committees	Quarterly	KWO
Kansas Water Authority	Quarterly	KWA & KWO
Watershed Restoration and Protection Strategies	Annual	KDHE/ w/ KWO
Non-Governmental Organization	Frequency	Sponsor
Kansas Assn. of Conservation & Environmental Education	Annual	KACEE
Pheasants Forever	Chapter & statewide mtgs.	
Kansas Wild Turkey Federation		
Quail Unlimited		
Ducks Unlimited		
Rocky Mountain Elk Foundation		
Friends of the Kaw	Annual	
Kaw Valley Heritage Alliance	Annual	
Stream Link (KVHA component)	Annual	
Community Water Festivals	Local, annual events	
The Land Institute	Spring and fall sessions	The Land Institute
K-State Watershed Specialists local tours	Varies	KSU
Nature Centers throughout Kansas		Local centers
Ks Foundation for Agriculture in the Classroom	Annual	
Kansas Rural Center	Annual December	

### **Multiple Agencies**

<u>Strategy iii</u>. Educate and inform the general public, landowners and local officials about the value of natural resources, outdoor recreation, and air and water quality to the future of Kansas.

<u>Status</u>: KACEE is currently working on several projects that contribute toward informing and educating the general public, landowners and local officials about the value of natural resources, outdoor recreation, and air and water quality to the future of Kansas. The following provide a brief summary of these activities:

- a. Community-Based Environmental Decision-Making Institute (funded through EPA)-KACEE in cooperation with K-State Research and Extension, brought together four community teams for a 2.5 day training focused on involving the community and local officials within the environmental decision-making process. Community teams included local officials, community/special interest groups, as well as business and industry. Community teams are currently working on implementation of back-home action plans that will provide them with an opportunity to introduce and implement strategies and techniques learned through the Institute. Issues these teams are addressing include: 1) protection of stream corridors within Wichita for enhancement of wildlife habitat and other riparian benefits, 2) Watershed-Based Planning and Management on the Upper Wakarusa Watershed, 3) Explore and evaluate potential solutions to Cross Creek bank erosion, flooding, nonpoint source pollution and land use management issues within the Rossville community, and 4) Community based approach to addressing air quality issues within Johnson County as part of the Kansas City metropolitan area.
- b. <u>Environmental Education Workshops</u> for Formal and Non-Formal Educators-As a part of ongoing efforts, KACEE provided environmental education training and materials to more than 1200 Kansas classroom and non-formal educators in 2005.

c. Environmental Education Plan for Kansas (funding through EPA)-KACEE took the lead in getting together a convener's group with the task of gathering stakeholders to develop a plan for environmental education in Kansas. This plan is intended to develop a shared vision, goals and strategies for EE that all environmental providers in the state (including parks, zoos, nature centers, state agencies, local agencies, etc), whether they directly provide environmental education opportunities or provide support and resources for environmental education can all be working toward the same goal. The stakeholder meetings have taken place and the convener's group is in the process of drafting the plan, based on stakeholder input, for public review and comment.

<u>Kansas Environmental Leadership Program</u> - In 1999 using Clean Water Act - Section 319 Nonpoint Source Pollution Control Grant funds, the Kansas Environmental Leadership Program (KELP) was established as a cooperative venture between KDHE - Bureau of Water, Watershed Management Section and K-State Research and Extension.

Watershed Management Section and K-State Research and Extension. The Goal of KELP is train individuals interested in water quality and pollution control in basic principles of water resource management and the principles of leadership. Annually 24 to 26 individuals are selected to participate in the program. Over a 10 month period, the class attends five – two and half day sessions around the state. A typical class will attend sessions in Hays, Topeka, Garden City, Independence and Wichita. In addition to lectures and presentations from a volunteer faculty from academia, industry and state agencies, students learn of the unique water resource management issues occurring at the locality of the session and local leadership responses to these issues. Individual sessions include class room exercises, lectures and field trips. In addition the class is divided into teams of 3 or 4 individuals to work on individual "applied leadership projects". These teams select a project of interest, develop a plan of work and execute the plan of work throughout the term of the class.

KDHE continues to provide maintenance grant to support the KELP coordinator. Each student pays a modest tuition which covers the direct cost of providing lodging, meals and other session related materials associated with the class. Some scholarship funds are available for students who cannot be sponsored by an employer.

In addition to the financial assistance provided by KDHE, the Kansas Water Authority and the Kansas Water Office has provided financial assistance to support the applied leadership projects and scholarships for Basin Advisory Committee members to participate in KELP. The Kansas Department of Health and Environment has also used KELP as a means of orienting new employees to the diversity of Kansas' water resource management issues. In terms of knowledge and awareness of Kansas water resource management, some KDHE participants report that KELP is equivalent to three years of on the job experience.

Since initiation, a about 150 individuals have completed KELP, Students have come from state and federal agencies, colleges and universities, nongovernmental organizations and the private sector. Additional information is available from the KELP web site <a href="http://www.oznet.ksu.edu/kelp/">http://www.oznet.ksu.edu/kelp/</a>.

Water Link was initiated in 2005 with Clean Water Act Section 319 Nonpoint Source Pollution Control funds. It is a cooperative venture between KDHE - Watershed Management Section and the Kansas Campus Compact. The Kansas Campus Compact is located at Kansas State University the compact's membership includes a number of Kansas' colleges and universities. The Kansas Campus Compact is a member of a national organization. The compact exists to promote and provide college and university students opportunities for service learning. Service learning is a method of education that engages students in activities that address human and community needs. The end result promotes student learning and personal development.

Water Link was established to specifically infuse community-based learning into the college classroom, with the goal of improving water quality in Kansas. WaterLINK will provide training and resources for faculty interested in facilitation a service leaning course and a modest amount of financial assistance. More information is available at <a href="https://www.ksu.edu/waterlink">www.ksu.edu/waterlink</a>.

### **Kansas Water Office**

<u>Strategy iv.</u> Develop a program in cooperation with the Kansas Association of Counties and the League of Kansas Municipalities focused upon training city council members, county commissioners and zoning and planning staff regarding evaluation of the natural resource impact during the decision- making process.

<u>Status</u>: Representatives of the Kansas Association of Counties and the League of Kansas Municipalities worked with the Kansas Water Office to design a training program for local officials to help them evaluate and address the impact of their decisions on water and natural resources. After a series of focus group sessions, the interest in such a program was minimal. However, the conclusion was that the importance of a mutual rapport between state and local officials could not be understated when it came to facilitating the solution of problems on an ad hoc basis.

As a way to create greater rapport, KACEE developed a proposal along with K-State and the PRIDE program. Titled "Community Based Environmental Decision Making", it focused on bringing together local teams to learn the ropes of environmental-based decision making who then in turn carried out a local environmental project. Team members included elected officials from cities and counties, professional staff, local environmental interests, and business representatives.

Other initiatives along this line include workshops on alternative disputes resolution (ADR) principles for members of public water supply systems, inclusion of local officials in the State sponsored ADR training for its own water and natural resources staff, and the inclusion of local officials as participants in the Kansas Environmental Leadership Program. The response from local officials in all these contexts has been very positive and efforts to build rapport with the various levels of government and stakeholders will continue.