

Department of Agriculture, Division of Conservation
Notice of Hearing on Proposed
Administrative Regulations, Statewide

Proposed

A public hearing will be conducted at 1:00 p.m. on January 7, 2026, in room 124 of the Kansas Department of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, to consider the adoption of proposed regulations. The public hearing will be conducted in person and via video conferencing system. Members of the public who wish to attend the public hearing virtually must pre-register at:
<https://kansasag.zoom.us/j/86087601156?pwd=b8e1o4xsqtHxwfV48blucq8IurnzQ4.1&jst=1>.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 1320 Research Park Dr., Manhattan, Kansas 66502, or by e-mail to ronda.hutton@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. To give all parties an opportunity to present their views, it may be necessary to request each participant limit any oral presentation to five minutes. K.A.R. 11-3-1 through 11-3-12 and 11-13-1 through 11-13-6 are proposed for adoption on a permanent basis.

A summary of **K.A.R. 11-3-1 through 11-3-12** follows:

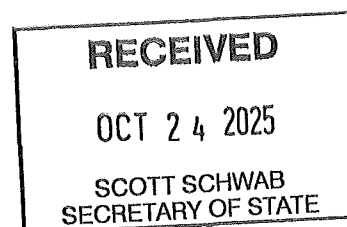
The Kansas Department of Agriculture (KDA), Division of Conservation is proposing amendments to K.A.R. 11-3-1 through 11-3-12 to establish policy and procedures for implementing financial assistance to owners of watershed dams in Kansas as authorized by K.S.A. 2-1915 under the Kansas Department of Agriculture Division of Conservation Dam Construction and Rehabilitation Program.

A summary of **K.A.R. 11-13-1 through 11-13-6** follows:

The proposed regulations introduce new practices and provide greater flexibility in implementing the Kansas Sediment and Nutrient Reduction Initiative. The Kansas Sediment and Nutrient Reduction Initiative builds upon the Kansas Water Quality Initiative created under K.S.A. 2-1915. The new requirements for the Kansas Sediment and Nutrient Reduction Initiative will continue to be implemented by the Kansas Department of Agriculture, Division of Conservation.

K.A.R. 11-13-1. Definitions. The proposed regulations add definitions for clarity (“Body of Water”; “Commission”; and “Secretary”) and for new practices (“Riparian herbaceous cover” and “Tree and shrub establishment”). Several definitions are no longer used and are removed from the list (“HUC 12 watershed”; “Program eligible area”; “Program eligible boundaries”; “Tier 1 areas”; “Tier 2 areas”; and “WRAPS”).

K.A.R. 11-13-2. Initiative requirements for new applications; funds for existing



contracts. The proposed regulations provide a minor clarification.

K.A.R. 11-13-3. Selection of applicants for initiative. The proposed regulations introduce new criteria for determining eligible areas and remove the prior two tiers system based on fixed locations and the provision excluding land that is enrolled in existing CRP.

K.A.R. 11-13-4. Haying and grazing. This proposed regulation expands the opportunity for limited haying and grazing within filter strips, provided a grazing management plan is in place.

K.A.R. 11-13-5. Practices eligible for incentive payments. This proposed regulation adds new practices eligible for incentive payments and allows the Secretary to approve additional practices. It also allows incentive payments in addition to any CRP payments.

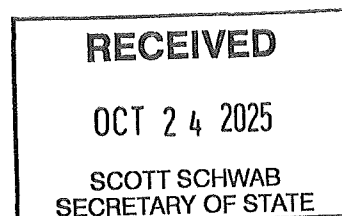
K.A.R. 11-13-6. Incentive payments; refunds. The proposed regulation establishes criteria for setting incentive payments for the next fiscal year and introduces a lump-sum payment option for landowners. The prior two tiers of payments system removed. This regulation also provides a standard for when an incentive payment refund would be required.

Economic Impact Statement for K.A.R. 11-3-1 through 11-3-12:

The proposed regulations will provide additional state financial assistance to watershed dam owners who voluntarily seek to construct new dams or rehabilitate existing dams. There are no applicable federal requirements. They may enhance business activities as the policies and procedures will necessitate obtaining professional engineering designs and technical project oversight in most cases. In addition, owners of eligible watershed dam structures will benefit from the proposed regulations by significantly offsetting their investment and personal costs in amounts up to \$500,000 per structure, which is an increase from the \$120,000 prior maximum.

The proposed regulations will expend state water plan funds in FY2026 and FY2027 as annually appropriated. No changes to aggregate state revenues are anticipated in any fiscal year and no annual implementation or compliance costs will be incurred by or passed along to businesses, local governments, or members of the public. They will not increase or decrease revenues, impose functions or responsibilities or increase expenditures or fiscal liability of cities, counties, and school districts. On December 18, 2024, KDA sent letters to the League of Kansas Municipalities (LKM), Kansas Association of Counties (KAC), and the Kansas Association of School Boards (KASB) requesting input as to the effect of the proposed regulations on those entities. To date KDA received a response from the KASB informing KDA that the regulations would not impact the KASB. No response was received from the LKM or KAC.

Appropriations to the Watershed Dam Construction & Rehabilitation Program totaled \$3,000,000 in FY2025 and were completely expended in accordance with current regulations. Appropriations are anticipated to be the same again in FY2026 and FY2027.



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KDA circulated information regarding the proposed updates to current regulations, along with a draft to the State Conservation Commission, State Association of Kansas Watersheds and Kansas Association of Conservation Districts who collectively serve a large number of stakeholders that would be affected by the updates. None of the organizations raised objections to the proposed regulations.

Economic Impact Statement for K.A.R. 11-13-1 through 11-13-6:

The proposed regulations will provide additional eligible conservation practices with better state incentives to encourage landowners to enroll in more concentrated, targeted geographic areas as well as providing more water quality improvement benefits. They offer state financial assistance for private watershed landowners who voluntarily participate; therefore, there are no applicable federal requirements.

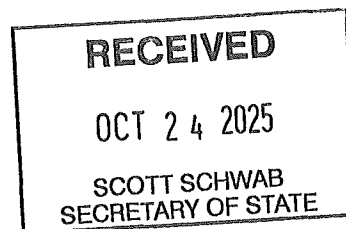
The proposed regulations could enhance business activities through the sale of applicable components needed for the implementation of the eligible initiative practices. Local supply businesses such as seed, fertilizer, plant materials and land improvement contractors may benefit from increased incentives to these voluntary projects. Restriction of business activities is not anticipated because participation in the initiative is voluntary, not mandated by law.

The Division of Conservation's Riparian and Wetland Program Manager will administer the program in addition to several other programs. The personnel costs to the agency for this program would be approximately \$5,250 (estimated at 150 hours) per year. An estimated additional \$200 per year will be expended on supplies, workstation, postage, computer equipment, meetings and travel expenses. The agency may incur additional administrative costs to conduct field investigations and monitor program success. The incentive for landowners and water quality available is \$218,047.46 for the program in its entirety, providing a benefit-cost ratio of 4,400%.

No additional economic impacts are expected from implementation of the proposed regulations, because existing program funds are anticipated to be distributed to approved eligible applicants. Also, no additional costs are anticipated for the state of Kansas, local government and individuals.

The proposed regulations will not increase or decrease revenues of cities, counties or school districts, or impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability. On December 18, 2024, KDA sent letters to the League of Kansas Municipalities (LKM), Kansas Association of Counties (KAC), and the Kansas Association of School Boards (KASB). To date KDA has received a response from the KASB informing KDA that the regulations would not impact the KASB and no response from the LKM or KAC.

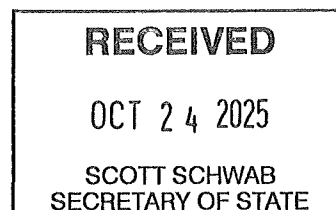
KDA circulated information regarding the proposed amendments to the regulations, along with a draft to the Conservation Commission, who serve many stakeholders that would be affected by the amendments. The Commission did not raise any objections to the proposed regulations. KDA also provided information on the proposed changes to other stakeholders such as county conservation districts and other state agencies.



Any individual with a disability may request accommodations to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodations should be made at least five working days in advance of the hearing by contacting Ronda Hutton at (785) 564-6715 or fax (785) 564-6777.

Copies of the proposed regulations and economic impact statements may be obtained by contacting the Department of Agriculture, Ronda Hutton, 1320 Research Park Drive, Manhattan, KS 66502 or (785) 564-6715 or by accessing the department's web site at <https://www.agriculture.ks.gov/>. Comments may also be made through our web site at the following link: <https://www.agriculture.ks.gov/public-resources/public-comments>.

Michael M. Beam
Secretary
Kansas Department of Agriculture



K.A.R. 11-3-1. Definitions. (a) "Appurtenant works" means the following:

- (1) The primary spillway;
- (2) other conduits through a dam;
- (3) valves;
- (4) the auxiliary spillway;
- (5) the service spillway;
- (6) the stilling basin;
- (7) any constructed outlet channel;
- (8) all dikes and berms designed and constructed to protect a dam;
- (9) drains; and
- (10) all other features constructed to protect or operate a dam.

(b) "Breach" means a gap or an opening in an embankment or auxiliary spillway that results in the complete loss of reservoir storage.

(c) "Breach analysis" means an analysis performed by a licensed professional engineer to determine the areas that would be inundated if a dam failed.

(d) "Chief engineer" means the chief engineer, division of water resources, department of agriculture.

(e) ~~"Commission" means the state conservation commission~~

(f) "Decommissioning" means the removal of a dam, the appurtenant works, and the embankment.

(g) (f) "Detention dam" means a single-purpose dam designed for the temporary storage of floodwaters and for the controlled release of those floodwaters.

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(h) (g) "District" means a watershed district, drainage district, or any other special-purpose district that has been organized and incorporated according to appropriate statutes and has the power to levy taxes and the power of eminent domain.

(h) "Division" means the division of conservation of the department of agriculture.

(i) "Embankment" means a dam's principal barrier made of earth or rock fill or a combination of earth and rock fill.

(j) "General plan" means a preliminary engineering report describing the characteristics of the project area, and the nature and methods of dealing with the soil and water problems within the project area. The general plan shall include maps, descriptions, and other data as necessary for the location, identification, and establishment of the scope of the work to be undertaken and any other relevant data and information that the chief engineer may require.

(k) "Grade stabilization dam" means a structure designed to control the erosion of a watercourse.

(l) "Hazard" means any situation that creates the potential for adverse consequences that may include loss of life, property damage, and any other adverse impact.

(m) "Inundation area" means the area below a dam that would be inundated with water as determined by conducting a breach analysis.

(n) "Operation and maintenance" means the actions or upkeep, or both, necessary for a dam to continue to function properly, including the following:

- (1) Woody vegetation control;
- (2) grass seeding;
- (3) burrowing animal control;

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- (4) the repair of minor erosion, cracks, animal burrows, and minor settling;
- (5) the care of pipes, piezometers, drains, valves, gates, and other mechanical devices;
- (6) the replenishment and proper placement of riprap;
- (7) the removal of debris from spillways; and
- (8) any other actions necessary for upkeep.

(o) "Permit" means the formal document issued by the chief engineer or other issuing agency to the district authorizing the construction or rehabilitation of a project.

(p) "Project" means the construction or rehabilitation of a detention dam or grade stabilization dam.

(q) "Rehabilitation" means any work, except work required due to inadequate operation and maintenance, to extend the service life of a dam and to meet the applicable safety and performance standards.

(r) "Structure condition report worksheet" means a current physical assessment of a rehabilitation project on a form prescribed by the ~~commission~~ division. (Authorized by K.S.A. 2-1904, and K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended March 24, 2006; amended P-_____.)

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K.A.R. 11-3-2. Application for construction. (a) Any organized watershed district, drainage district, or other special-purpose district interested in state assistance may apply for state cost-share assistance funds appropriated for the construction of detention dams ~~and~~ or grade stabilization dams that fall under the jurisdiction of the chief engineer. Each application for state assistance shall be submitted on a form supplied by the ~~commission~~ division. All applications shall be due at the ~~commission~~ division office on or before April 1 to be included in the evaluation process for possible funding during the next fiscal year.

(b) Each district submitting an application shall employ or acquire the services of a person knowledgeable of watershed dam construction administrative procedures, who shall be known as the contracting officer for the proposed site.

~~(c) Each recipient of state cost-share assistance for construction shall submit an inundation area map before the final payment is made. (Authorized by K.S.A. 2-1904, and K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended March 24, 2006; amended P-_____.)~~

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K.A.R. 11-3-3. Permit to construct or rehabilitate. Before the allocation of funds to any project and before any district advertises for bids, the district shall submit ~~the following~~ to the ~~commission~~ division:

- (a) a copy of the permit to construct or rehabilitate, as issued by the chief engineer; and
- (b) ~~an updated general plan.~~ (Authorized by K.S.A. 2-1904, and K.S.A. 2005 Supp. 2-1915, ~~and L. 2005, ch. 206, sec. 75;~~ implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended March 24, 2006; amended P-_____.)

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K.A.R. 11-3-4. Allocation of funds. (a) An evaluation of applications shall be made by the ~~commission~~ division to determine the priority ranking for all proposed projects. In addition, an amount that is contingent on appropriations shall be determined for projects in each district and other dams as authorized by the legislature.

(b) The maximum cost-share level for construction or rehabilitation costs, including engineering and inspection costs, shall be 80 percent.

(c) The maximum annual assistance per structure or district shall be \$120,000, ~~except~~ determined as follows:

(1) Construction of new dam:

(A) Low hazard (class A):.....\$200,000

(B) significant hazard (class B):\$350,000

(C) high hazard (class C):\$500,000

(2) Rehabilitation of existing dam:

(A) Low hazard (class A):.....\$125,000

(B) significant hazard (class B):\$275,000

(C) high hazard (class C):\$500,000

(d) When uncommitted funds are available after all eligible structures have been funded, these uncommitted funds may be used to provide additional cost-sharing above the maximum limit.

(e) Assistance funds shall not be used for easements or administrative costs, except on rehabilitation projects if the ~~commission~~ division determines that easements within the inundation area are the most cost-effective alternative.

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(~~e~~) (f) The standard bidding procedures of the department of administration shall be used in the bidding process for approved applications for state assistance.

(~~d~~) (g) Adequate accounting and fiscal records shall be maintained by the district to reflect the receipts and expenditures of all funds of the project.

(~~e~~) (h) The district shall submit project documents and relevant information as required by the ~~commission~~ division.

(~~f~~) (i) The district shall construct or cause the project to be constructed to final completion in accordance with the plans and specifications approved by the chief engineer.

(Authorized by K.S.A. 2-1904, and K.S.A. 2005-Supp. 2-1915, ~~and L. 2005, ch. 206, sec. 75;~~
implementing K.S.A. 2005-Supp. 2-1915 ~~and L. 2005, ch. 206, sec. 75;~~ effective, T-86-43, Dec.
18, 1985; effective May 1, 1986; amended May 1, 1987; amended March 24, 2006; amended

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K.A.R. 11-3-5. Contract. (a) Each contract shall be a fund-obligating document and shall include the contractual provisions required by the ~~commission~~ division and the state.

(b) Any contract not completed by the end of the fiscal year in which appropriation was made may be extended upon written request. (Authorized by K.S.A. 2-1904, and K.S.A. 2004 Supp. 2-1915, and ~~L. 2005, ch. 206, sec. 75~~; implementing K.S.A. ~~2004 Supp. 2-1915 and L. 2005, ch. 206, sec. 75~~; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended March 24, 2006; amended P-_____.)

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K.A.R. 11-3-6. Partial payments. Partial payments of appropriated funds shall be made to the district no more often than once each month. Each partial payment shall be requested on a form furnished by the ~~commission~~ division. All partial payments shall be documented by ~~construction or rehabilitation progress reports~~ the district as directed by the division. (Authorized by K.S.A. 2-1904, and ~~K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75~~; implementing K.S.A. ~~2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75~~; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended March 24, 2006; amended P-_____.)

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K.A.R. 11-3-7. Notification of completion. (a) The district shall notify the ~~commission~~ division and the chief engineer when the district's approved project is complete and ready for final inspection.

(b) The notification to the ~~commission~~ division shall include the following:

(1) The date of completion of the project; and

(2) an itemized list of all costs of the following:

(A) Construction or rehabilitation; and

(B) engineering inspections and geological investigations.

(c) The district shall submit a request for final payment of state funds for the project on a form provided by the ~~commission~~ division, after the issuance of the certificate of completion by the chief engineer. (Authorized by K.S.A. 2-1904, and K.S.A. 2005 Supp. 2-1915, ~~and L. 2005, ch. 206, sec. 75;~~ implementing K.S.A. 2005 Supp. 2-1915 ~~and L. 2005, ch. 206, sec. 75;~~ effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended March 24, 2006; amended P-_____.)

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K.A.R. 11-3-8. Alterations to project plan. Each alteration of or change order regarding any original construction or rehabilitation plan shall require the prior approval of the chief engineer and notification to the ~~commission~~ division. (Authorized by K.S.A. 2-1904, and K.S.A. ~~2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75~~; implementing K.S.A. ~~2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75~~; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended March 24, 2006; amended P-_____.)

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K.A.R. 11-3-9. Supplemental application procedures. Each supplemental request of funds for costs of construction or rehabilitation and engineering costs exceeding the approved funding shall be submitted on a form supplied by the ~~commission~~ division. (Authorized by K.S.A. 2-1904; and K.S.A. 2005-Supp. 2-1915, and ~~L. 2005, ch. 206, sec. 75~~; implementing K.S.A. ~~2005-Supp. 2-1915 and L. 2005, ch. 206, sec. 75~~; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended March 24, 2006; amended P-_____.)

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K.A.R. 11-3-10. Inspection. The district shall conduct an annual operation and maintenance inspection of each completed new or rehabilitated state-funded structure and shall file an inspection report on a form provided by the ~~commission~~ division. The district shall submit a copy of the inspection report to the ~~commission~~ division and chief engineer. The district shall implement corrective maintenance or repair when needed. (Authorized by K.S.A. 2-1904, and K.S.A. 2005 Supp. 2-1915, and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended March 24, 2006; amended P-_____)

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K.A.R. 11-3-11. Application for rehabilitation. (a) Any organized watershed district, drainage district, other special-purpose district, or other dam owner as authorized by the legislature that is interested in state assistance may apply for state cost-share assistance funds appropriated for the rehabilitation of detention dams and grade stabilization dams. Each application for state assistance shall be submitted on a form supplied by the ~~commission~~ division.

(b) Each applicant shall submit a letter of intent to the ~~commission~~ division by July 1 for a specific rehabilitation project to be considered for funding in the next fiscal year. The letter of intent shall include the following:

- (1) A preliminary rehabilitation design;
- (2) a preliminary cost estimate for the rehabilitation;
- (3) a cost estimate for a breach analysis;
- (4) the hazard classification; and
- (5) the structure condition report worksheet.

The chief engineer shall be notified upon ~~commission~~ division receipt of all rehabilitation applications.

(c) At the beginning of each fiscal year, each applicant shall be notified of the applicant's priority ranking by the ~~commission~~ division. Each applicant with a priority ranking high enough to be selected for possible funding shall complete the detailed design, total cost, and financial assistance funding requirements using forms prescribed by the ~~commission~~ division.

(d) The components eligible for financial assistance for the dam and appurtenant works, inundation area delineation, or inundation area easements shall include the following:

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- (1) The engineering fees;
- (2) the construction or repair of embankments;
- (3) excavation;
- (4) metal, concrete, and other components;
- (5) breach of a dam;
- (6) establishment of permanent vegetation;
- (7) fencing;
- (8) riprap or filter material;
- (9) decommissioning;
- (10) upgrade of a spillway;
- (11) acquisition of inundation area easements;
- (12) inundation area mapping; and
- (13) any other components that the ~~commission~~ division deems necessary.

(e) Each request for financial assistance for any rehabilitation required because of deficient operation and maintenance shall receive the lowest priority for funding. (Authorized by K.S.A. 2-1904, and K.S.A. 2005 Supp. 2-1915, and ~~L. 2005, ch. 206, sec. 75~~; implementing K.S.A. ~~2005 Supp. 2-1915~~ and ~~L. 2005, ch. 206, sec. 75~~; effective March 24, 2006; amended P-_____.)

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K.A.R. 11-3-12. Application for financial assistance for inundation area mapping. (a)

Any organized watershed district, drainage district, other special-purpose district, or other dam owner authorized by the legislature may apply for state financial assistance for inundation area mapping. Each application shall be submitted on a form prescribed by the ~~commission~~ division.

(b) Each application for financial assistance for inundation area mapping within a district shall include the following:

(1) The identification of each person whose services will be employed to complete the map;

(2) an acknowledgement that the services specified in paragraph (b) (1) will be conducted by a licensed professional engineer; and

(3) a summary of how the district will use the inundation area map to encourage the prevention of future inundation area development.

(c) Prioritization for funding shall include consideration of the following factors:

(1) The applicant's plan for using the dam inundation map to encourage prevention of future inundation area development;

(2) the amount of funding provided by the district for each inundation area mapping application;

(3) any application that includes a strategic inundation area mapping plan. The plan shall include the district's prioritized mapping completion timelines to address inundation area mapping for all dams in the district; and

(4) other relevant criteria identified by the ~~commission~~ division that mitigate hazards associated with watershed dams. (Authorized by K.S.A. 2-1904; and K.S.A. 2005 ~~Supp.~~ 2-1915;

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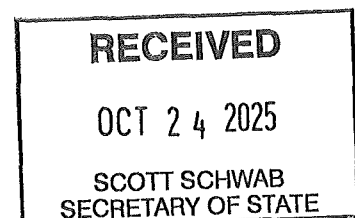
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and L. 2005, ch. 206, sec. 75; implementing K.S.A. 2005 Supp. 2-1915 and L. 2005, ch. 206, sec. 75; effective March 24, 2006; amended P-_____.)

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K.A.R. 11-13-1. Definitions. Each of the following terms, as used in this article of the division of conservation's regulations, shall have the meaning specified in this regulation:

(a) "Body of water" means federal, state, or local reservoir or lake.

(b) "Bottomland timber establishment" means the trees planted in floodplains adjacent to perennial streams to provide wildlife habitat and other benefits.

(c) "Commission" means the State Conservation Commission.

(d) "CRP" means the conservation reserve program administered by the USDA farm service agency.

(e) "Director" means the executive director of the division of conservation, Kansas department of agriculture or the executive director's designee.

(f) "Farmable wetland or farmable wetland buffer" means land eligible for restoration by improving the land's hydrology and vegetation.

(g) "Filter strip" means a strip or area of grass for removing sediment, organic matter, and other pollutants from runoff and wastewater and for providing food and cover for wildlife.

(h) "FSA" means the farm service agency in the USDA.

(i) "Grassed waterway" means a designated strip of grass that is designed to convey runoff and gully erosion for the purpose of improving water quality and providing wildlife habitat.

(j) "Habitat buffers for upland birds" means a narrow band of native grasses, legumes, forbs, or shrubs, or any combination of these, to provide habitat for bobwhite quail, ring-necked pheasant, and other upland birds and to limit the amount of nutrients, sediment, pesticides, and other contaminants entering water bodies.

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(i) ~~"HUC 12 watershed" means a hydrological unit code consisting of a sequence of 12 numbers identifying a hydrological feature like a river, river reach, or lake or an area like a drainage basin.~~

(j) ~~(k) "The initiative" means the Kansas water quality buffer initiative sediment and nutrient reduction initiative and the application requirements for the program specified in this article of the division of conservation's regulations. This term is also known as the Kansas sediment and nutrient reduction initiative.~~

~~(l) (l) "NRCS" means natural resources conservation service.~~

(f) ~~(m) "Practices" means the use of cultural techniques or structures installed or constructed on land for the purpose of improving or maintaining water quality.~~

~~(m) "Program eligible area" means the Big Creek, Delaware, Little Arkansas, Lower Big Blue, Lower Kansas, Lower Little Blue, Lower Republican, Lower Smoky Hill, Neosho Headwaters, Upper Cottonwood, and Lower Cottonwood watersheds.~~

~~(n) "Program eligible boundaries" means the boundaries based on HUC 12 watersheds that are above Tuttle Creek, Milford, Perry, John Redmond, and Clinton reservoirs and are identified as target areas for nutrient and sediment reduction in watershed restoration and protection strategy plans. The program eligible boundaries shall contain two tiers for priority enrollment, which are called tier 1 areas and tier 2 areas.~~

~~(n) "Riparian herbaceous cover" means grasses, sedges, rushes, ferns, legumes, and forbs tolerant of intermittent flooding or saturated soils, established or managed as the dominant vegetation in the transitional zone between upland and aquatic habitats.~~

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(o) "Secretary" means the secretary of the Kansas department of agriculture, or the secretary's authorized representative.

(p) "Shallow water areas for wildlife" means wet areas that have been developed or restored and include 6-18 inches of water depth for wildlife.

~~(p) "Tier 1 areas" means those HUC 12 watersheds identified in watershed restoration and protection strategy plans as the highest priority target areas for nutrient and sediment reduction within program eligible boundaries.~~

~~(q) "Tier 2 areas" means all areas within the program eligible boundaries that are not tier 1 areas.~~

(q) "Tree and shrub establishment" means establishing woody plants by planting, by direct seeding, or through natural regeneration.

(r) "Unfarmable field" means the remaining portion of a field in which 51 percent or more of the total acreage has been enrolled in CRP.

(s) "USDA" means United States department of agriculture.

(t) "Wetland restoration" means the restoration of constructed wetlands for the purpose of intercepting tile runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices.

~~(u) "WRAPS" means watershed restoration and protection strategy, which consists of a planning and management framework intended to engage stakeholders in a process to identify watershed restoration. The process documents stakeholder goals, strategies to achieve the goals, and the resources required to implement the strategies. (Authorized by and implementing K.S.A. 2017 Supp. 2-1915; effective June 1, 2018; amended P-_____.)~~

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K.A.R. 11-13-2. Initiative requirements for new applications; funds for existing contracts. On and after the effective date of this regulation, all new applications for the initiative shall be required to meet the requirements in this article of the division of conservation's regulations. These requirements shall be known as the Kansas sediment and nutrient reduction initiative, which consists of the new requirements for the Kansas water quality buffer initiative. All persons with parcels currently enrolled in the initiative with contracts whose terms have not yet expired shall continue to be paid through funds made available under K.S.A. 2-1915, and amendments thereto, and any other available sources. (Authorized by and implementing K.S.A. ~~2017 Supp.~~ 2-1915; effective June 1, 2018; amended P-_____.)

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K.A.R. 11-13-3. Selection of applicants for initiative; program eligible areas. (a)

Funding may be distributed to the initiative applicants in eligible areas for proposed projects that meet the eligibility requirements specified in K.S.A. 2-1915 and K.S.A. 2017 Supp. 2-1933, and amendments thereto, ~~and the director's requirements as follows:~~

~~(a) Land shall lie within a tier 1 area or a tier 2 area of the initiative eligible area and meet the basic eligibility criteria for CRP.~~

~~(b) To be eligible for tier 1 area payments, all of the land shall be within the tier 1 area. To be eligible for tier 2 area payments, all of the land shall be within the tier 2 area.~~

~~(c) Land that has an existing CRP contract or an approved offer with a CRP contract pending shall not be eligible for the initiative.~~

(b) Program eligible areas shall be set on an annual basis by the director, in consultation with the commission, and approved by the secretary, based on the following factors:

- (1) Sedimentary and nutrient loading of a body of water;
- (2) watershed or drainage area impact on the water quality of a body of water;
- (3) security of publicly used water; and
- (4) nutrient impacts on the recreational uses and aquatic life of a selected body of water.

(c) Program eligible areas shall include the watershed and drainage area of a selected body of water.

(d) The program eligible areas for the next fiscal year shall be announced annually at the commission's March monthly meeting or at a meeting thereafter that occurs before the end of the fiscal year. The program eligible areas shall be posted on the Kansas department of agriculture,

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division of conservation website. (Authorized by K.S.A. 2017 ~~Supp.~~ 2-1915; implementing
K.S.A. 2017 ~~Supp.~~ 2-1915 and 2-1933; effective June 1, 2018; amended P-_____.)

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K.A.R. 11-13-4. Haying and grazing. (a) Any eligible initiative applicant shall be allowed to hay or graze a filter strip without penalty after development of a grazing management plan developed in cooperation with the USDA-NRCS.

(b) Any eligible initiative applicant that is authorized to hay or graze, or both, pursuant to an existing CRP contract may conduct these activities upon initiative-eligible land without penalty. (Authorized by K.S.A. ~~2016 Supp.~~ 2-1915; implementing K.S.A. ~~2016 Supp.~~ 2-1915 and 2-1933; effective June 1, 2018; amended P-_____.)

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K.A.R. 11-13-5. Practices eligible for incentive payments. (a) Any of the following practices may be eligible for incentive payments:

- (1) Grassed waterways;
- (2) shallow water areas for wildlife;
- (3) filter strips;
- (4) riparian buffers;
- (5) wetland restorations;
- (6) improvements to farmable wetland or farmable wetland buffers by utilizing any of the practices listed in this regulation or any other conservation practice approved by the director;

- (7) bottomland timber establishment; or
- (8) habitat buffers for upland birds;
- (9) tree and shrub establishment;
- (10) riparian herbaceous cover;
- (11) field borders; or
- (12) other conservation practices that assist in reducing sediment and nutrient loads in water bodies approved by the director.

(b) Participants may receive payments made through the initiative shall be in addition to any CRP payments. (Authorized by K.S.A. 2017-Supp. 2-1915; implementing K.S.A. 2017-Supp. 2-1915 and 2-1933; effective June 1, 2018; amended P-_____.)

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K.A.R. 11-13-6. Incentive payments; refunds. (a) Incentive payments under the initiative shall be made on a one-time basis ~~coinciding with enrollment in the CRP~~. Each incentive payment shall be an upfront payment on all eligible acres enrolled.

(b) Incentive payments shall ~~not exceed the following~~ be set annually by the director, in consultation with the commission, at the commission's March monthly meeting, or at a meeting thereafter that occurs before the end of the fiscal year, based on the following factors:

(1) ~~\$225.00 per acre in tier 1 areas~~ CRP rental rates; and

(2) ~~\$162.50 per acre in tier 2 areas~~. land rental rates from the annual USDA-NASS Kansas county cash rent value statistics;

(3) current land values;

(4) current commodity prices; and

(5) availability of funds.

(c) Any application meeting the requirements of this article may be approved contingent upon the availability of appropriated funds in RW fund 1800-1260, or any other fund that may apply to this program. Funds will remain available until expended to depletion.

(d) The director may make a single lump sum payment for the remaining amount of any contract. Upon a participant's receipt of a lump-sum payment, the participant shall still be responsible for meeting the requirements of all other terms and practices contained in the contract.

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(e) (e) Any acres determined to be in an unfarmable field may be eligible for the one-time incentive payment if the applicant agrees to establish and maintain permanent vegetative cover for the duration of the CRP contract.

(d) If a CRP contract is terminated by the FSA for any contract violation or for any other reason, a refund of the incentive payment shall be required.

(e) (f) A refund of the incentive payment shall be required from any initiative participant who fails to meet or maintain the initiative requirements. (Authorized by K.S.A. 2017 Supp. 2-1915; implementing K.S.A. 2017 Supp. 2-1915 and 2-1933; effective June 1, 2018; amended

P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Department of Agriculture
Agency

Ronda Hutton
Agency Contact

785-564-6715
Contact Phone Number

K.A.R. 11-3-1 through K.A.R. 11-3-12
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

Brief description of the proposed rule(s) and regulation(s).

The proposed regulations establish policy and procedures for implementing financial assistance to owners of watershed dams in Kansas as authorized by K.S.A. 2-1915 under the Kansas Department of Agriculture Division of Conservation Dam Construction and Rehabilitation Program.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

The proposed regulations regard state financial assistance for watershed dam owners who voluntary participate – therefore, there are no applicable federal requirements. Both the federal government and contiguous states offer similar types of financial assistance to landowners seeking to construct new dams or rehabilitate existing dams.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

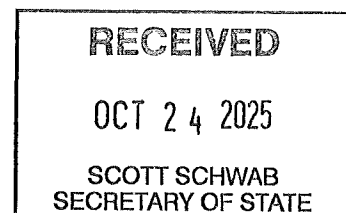
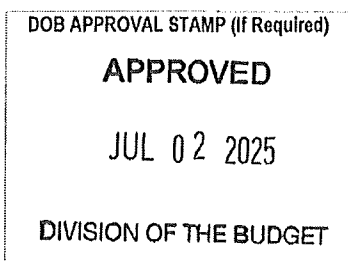
The proposed regulations will enhance business activities as the policy and procedures for acquiring financial assistance requires applications which necessitate professional engineering designs and technical project oversight in most cases. Landowners will also engage local supply businesses and land improvement contractors for materials and construction if afforded the opportunity to acquire financial assistance as an incentive to create and repair watershed dams.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The economic effect of the proposed regulations on owners of eligible watershed dam structures will be very beneficial. Landowners who are seeking state financial assistance for the construction or rehabilitation of watershed dams will be able to significantly offset their investment and personal costs in amounts of up to \$500,000 per structure.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Qualified engineering firms that provide watershed dam designs and technical project oversight may be financially advantaged by the additional business which landowners will solicit for their services. Local supply businesses and land improvement contractors could also be directly affected by increased incentives to create and repair watershed dams.



D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The need to create new watershed dams for flood control and the related benefits of enhanced water conservation and water quality improvements is an identified priority in the Kansas State Water Plan. The need to maintain structural integrity of existing watershed dams and to preserve current state infrastructure investments is an essential component of general public health, safety and welfare for all Kansas citizens. The perceived benefits of the regulations appear to far exceed the costs.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

KDA was careful to consider the state standards in relation to the cost and impact of the proposed regulations on business and economic development. It does not appear that there are any negative consequences to the State of Kansas, local government and individuals by the amendment of the current regulations for which the proposed regulations are intended to update and replace. The proposed regulations will be especially beneficial to local watershed districts, drainage districts and other special purpose districts that are authorized to create and maintain watershed dams for conservation and related natural resources purposes.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The proposed regulations regard state financial assistance for watershed dam owners who voluntarily participate – therefore, there do not appear to be any annual implementation and compliance costs to be incurred by or to be passed along to businesses, local governments, or members of the public.

- Yes
 - No
 - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

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Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

The proposed regulations will expend state water plan funds in FY206 and FY2027 as annually appropriated. No changes to aggregate state revenues are anticipated in any future fiscal year.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Appropriations to the Watershed Dam Construction & Rehabilitation Program totaled \$3,000,000 in FY2025 and were completely expended in accordance with current regulations. Appropriations are anticipated to be the same again in FY2026 and FY2027.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed rules and regulations will not increase or decrease revenues of cities, counties or school districts, or impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability. On December 18, 2024, KDA sent letters to the League of Kansas Municipalities (LKM), Kansas Association of Counties (KAC), and the Kansas Association of School Boards (KASB) requesting input as to the effect of the proposed rules and regulations on those entities. The letters contained a copy of the proposed regulations and stated that the entities could contact KDA if they wished to review the proposed Watershed Dam regulations in full. To date KDA has received a response from the KASB informed KDA that the regulations would not impact the KASB and no response from the LKM or KAC.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

KDA circulated information regarding the proposed updates to current rules and regulations, along with a draft to the State Conservation Commission, State Association of Kansas Watersheds and Kansas Association of Conservation Districts who collectively serve a large number of stakeholders that would be affected by the updates. None of the organizations raised objections to the proposed rules and regulations.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

Yes If yes, complete the remainder of Section IV.

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No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

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**Kansas Administrative Regulations
Economic Impact Statement (EIS)**

Kansas Department of Agriculture
Agency

Ronda Hutton
Agency Contact

785-564-6715
Contact Phone Number

K.A.R. 11-13-1 through K.A.R. 11-13-6
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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Section I

Brief description of the proposed rule(s) and regulation(s).

The proposed regulations introduce new practices and provide greater flexibility in implementing the Kansas Sediment and Nutrient Reduction Initiative. The Kansas Sediment and Nutrient Reduction Initiative builds upon the Kansas Water Quality Initiative created under K.S.A. 2-1915. The new requirements for the Kansas Sediment and Nutrient Reduction Initiative will continue to be implemented by the Kansas Department of Agriculture, Division of Conservation.

The proposed regulations expand the list of eligible conservation practices that qualify for a one-time state incentive payment, which may be in addition to federal CRP payments or landowners may just participate in state incentive programs. The new eligible practices include tree and shrub establishment, riparian herbaceous cover, and field borders. Definitions for “tree and shrub establishment” and “riparian herbaceous cover” are also added. The proposed regulations grant the Division flexibility to approve additional practices proven to be effective in improving water quality and erosion control.

The proposed regulations expand eligible participants and change how incentive payments are determined. Previously, participation was limited to specific areas near watersheds that fed into certain federal reservoirs. The proposed regulations allow the Division to target additional water bodies experiencing water quality issues and to include a wider range of watersheds. Further, the proposed regulations remove the two-tier payment system and allows the Division to set the incentive rates annually on a per-acre basis, considering factors such as CRP rental rates, local cash rental rates, land values, commodity prices, and available funds. This approach ensures more competitive compensation for landowners taking conservation actions

K.A.R. 11-13-1. Definitions. The proposed regulations add definition for clarity (“Body of Water”; “Commission”; and “Secretary”) and for new practices (“Riparian herbaceous cover” and “Tree and shrub establishment”). Several definitions are no longer used and are removed from the list (“HUC 12 watershed”; “Program eligible area”; “Program eligible boundaries”; “Tier 1 areas”; “Tier 2 areas”; and “WRAPS”).

K.A.R. 11-13-2. Initiative requirements for new applications; funds for existing contracts. The proposed regulations provide a minor clarification.

K.A.R. 11-13-3. Selection of applicants for initiative. The proposed regulations introduce new criteria for determining eligible areas and removes the prior two tiers system based on fixed locations and the provision excluding land that is enrolled in existing CRP.

K.A.R. 11-13-4. Haying and grazing. This proposed regulation expands the opportunity for limited haying and grazing within filter strips, provided a grazing management plan is in place.

K.A.R. 11-13-5. Practices eligible for incentive payments. This proposed regulation adds new practices eligible for incentive payments and allows the Secretary to approve additional practices. It also allows incentive payments to be in addition to any CRP payments.

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Revised 05/03/2022

K.A.R. 11-13-6. Incentive payments; refunds. The proposed regulation establishes criteria for setting incentive payments for the next fiscal year and introduces a lump-sum payment option for landowners. The prior two tiers of payments system are removed. This regulation also provides a standard for when an incentive payment refund would be required.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

The new requirements will provide more eligible conservation practices with better state incentives to encourage landowners to enroll in more concentrated, targeted geographic areas as well as providing more water quality improvement benefits. The proposed rules and regulations do not exceed the requirements of applicable federal law. The proposed regulations regard state financial assistance for watershed private landowners who voluntarily participate – therefore, there are no applicable federal requirements.

Section III

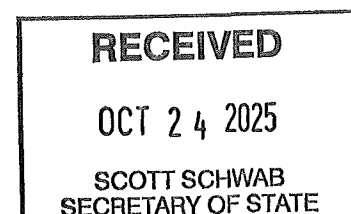
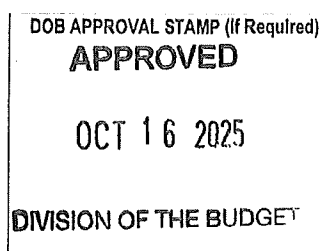
Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The proposed rules and regulations could enhance business activities through the sale of applicable components needed for the implementation of the eligible initiative practices. Restriction of business activities is not anticipated because participation in the initiative is voluntary, not mandated by law.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

A Division of Conservation's Riparian and Wetland Program Manager will administer the program in addition to several other programs. The personnel costs to the agency for this program would be approximately \$5,250 (estimated at 150 hours) per year. An estimated additional \$200 per year will be expended for supplies, workstation, postage, computer equipment, meetings and travel expenses. The agency may incur additional administrative costs to conduct field investigations and monitor program success.



C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Local supply businesses such as seed, fertilizer, plant materials and land improvement contractors could be directly affected by increased incentives to these voluntary projects.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The incentive for landowners and water quality available is \$218,047.46 for the program in its entirety, providing a benefit-cost ratio of 4,400%.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

KDA was careful to consider the state standards in relation to setting an incentive payment for participants that will cover the cost of implementation as well as offer a monetary incentive for those individuals willing to install voluntary conservation practices. It does not appear that there are any negative consequences to the State of Kansas, local government and individuals by the amendment of the current regulations for which the proposed regulations are intended to update and replace.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

No cost estimate was performed.

- Yes
 - No
 - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

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Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

No additional funding is budgeted at this time.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

Though there are no additional economic impacts expected from implementation of the proposed rules and regulations, because existing program funds are anticipated to be distributed to approved eligible applicants.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed rules and regulations will not increase or decrease revenues of cities, counties or school districts, or impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability. On December 18, 2024, KDA sent letters to the League of Kansas Municipalities (LKM), Kansas Association of Counties (KAC), and the Kansas Association of School Boards (KASB) requesting input as to the effect of the proposed rules and regulations on those entities. The letters contained a copy of the proposed regulations and stated that the entities could contact KDA if they wished to review the proposed Kansas Sediment and Nutrient Reduction Initiative regulations in full. To date KDA has received a response from the KASB informed KDA that the regulations would not impact the KASC and no response from the LKM or KAC.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

KDA circulated information regarding the proposed updates to current rules and regulations, along with a draft to the Conservation Commission, who serve many stakeholders that would be affected by the updates. None of the organizations raised objections to the proposed rules and regulations. KDA also provided information on the proposed changes to other stakeholders such as county conservation districts and other state agencies.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

Yes If yes, complete the remainder of Section IV.

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No If no, skip the remainder of Section IV.

A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

No additional costs are anticipated for the State of Kansas due to the proposed rules and regulations. Kansas Dept of Agriculture, Division of Conservation currently has additional programs (Water Resources, Non-Point Source and Riparian/Wetland) that offer like practices. No additional staff time is anticipated due to the implementation of the proposed rules and regulations.

B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Conservation district managers would assist in program delivery at the local level, resulting in minimal additional for taking project applications. Taking program applications is a normal part of daily operations for county conservation district managers.

C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

There would not be any additional costs accrued if the proposed rules and regulation were not adopted. The program would continue as currently offered with applications being conditionally tied to the farm service agency conservation reserve program (currently the limiting factor of the program).

D. Provide a detailed statement of the data and methodology used in estimating the costs used.

No methodology was used as no additional program costs are anticipated. No changes to current Division of Conservation staffing levels would be required if the proposed rules and regulations were adopted.

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