



STATE ASSOCIATION
OF KANSAS WATERSHEDS



Newsletter

Issue 69
June
2020

**Time to reflect on the values that have made us all proud to be Americans.
Let us become a better nation not through strife, but through
communication, cooperation, and commitments.**



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We welcome new board members Teresa Gerard and Bruce Rinkes. Teresa is a board member with Wakarusa WJD 35. Bruce comes to us as a Jackson County rancher and program consultant for several Kansas Watershed Districts.

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Message from the Executive Director

What a 3 month period of time since the March 2020 Newsletter. My stay at home COVID-19 order still allowed me to get to the farm/SAKW Office. First time in my SAKW career that I had zero travel not just for April, but for May and June as well. Thank goodness I was able to perform farm tasks each day following my needed SAKW work. Social distancing was not a problem at all.

Made a list of projects to work on to fill in my time between reacting to phone calls and messages, internet traffic, and text messages. A project that kept creeping to the top of the list was a project that has been delayed ever since I started my SAKW career and is a report or spreadsheet showing each watershed district and the number of planned, completed, and yet to build State and locally funded watershed district dams. If I had a copy of each General Plan and a complete inventory of dams, I might have been able to complete the report myself, but that was not the case.

The General Plan projects all projects that can, if constructed, make the flood reduction goals of the District a reality. The trick of looking at General Plans for these projects is to make sure all amendments up until the present time have been taken into account. This is where looking at old General Plans with missing amendments will definitely add an error factor to the final report.

After sending out the emails to a watershed contact person requesting the number of planned, constructed, and following the simplest of math determine the number of State or locally funded dams left to be constructed, starts the phone tag process to fill in the missing data. Oh I failed to mention that those districts with both federal and state dams in the mix must separate out the two categories and send in only the numbers of dams requested. The requested numbers did allow the district to get back acquainted with their watershed and reflect on whether the numbers will change much in the future. An ongoing effort!

Before the COVID-19 pandemic, I never even heard of Zoom and Team. Yes, conference calls were commonly used to merge attending and non-attending meeting patrons. Now seems like the virtual meeting process has generated a whole new array of meeting phenomena. Of course our desk top computer did not have a camera or mike so we had to purchase a webcam along with what seemed like every school district in Kansas. To say the least, the camera and mike took most of 3 months to arrive. We were able to borrow lap top computers to use for several virtual meetings we needed to join in on. Thanks to the lenders of the laptops.

One resolution we passed out of our 69th Annual Meeting was one that addressed providing Dam Watch to all Watershed Districts with State or Locally Funded dams. Currently the PL-566 dams have Dam Watch coverage through NRCS. Our first hurdle was to get DWR on board with the idea. The letter we sent to DWR and their response letter are included with this newsletter. DWR has taken a stance that Dam Watch is a redundant program when compared to what DWR has at their disposal right now. Read the two letters and make up your mind if what we requested was provided by their response. The passed resolution said if DWR did not desire to be a partner in the effort to provide Dam Watch for State funded dams then SAKW or someone would take up the task. The State or locally funded watershed district dam report is partly justified by not having a finite report of the number of dams Dam Watch would need to cover.

I hope by now you have a link to the latest version of the Watershed District Handbook. The staff at KDA/DOC did a great job of compiling the needed updates and revisions and getting the Handbook out as planned.

I just want to give a congratulatory and good luck shout out to Christy Jean, KSU graduate student who following her research and publication of our Watershed District Story is now working on her Doctorate of Geography following the same theme with a much more deliberate approach to flood control and how it impacts people and communities.

As mentioned in my message, here is the letter sent to acting Chief Beightel followed by the DWR response letter. Draw your own conclusions on having DWR as a partner in our pursuit of Dam Watch for watershed district local and state funded dams.



April 9, 2020

Chris Beightel, Acting Chief Engineer
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502

Dear Chris,

The following Resolution No. 2 was presented by SAKW and passed by the attending delegation of memberships at our 69th annual meeting on January 21, 2020.

SAKW presents this letter to request KDA/DWR take the needed actions as specified by Resolution No. 2.

A defensible evaluation of manpower and financial needs to support inclusion of all state and locally funded Watershed District dams in Dam Watch is requested from KDA/DWR.

A target date for the Dam Watch evaluation report presentation by KDA/DWR is suggested for a SAKW/DWR/DOC/KWO/NRCS partnering meeting tentatively scheduled for September 15, 2020.

Voluntary assistance by the SAKW member Watershed Districts is one option available to KDA/DWR to assist in the entering of individual data for each involved District.

Working closely with the Kansas Water Office and the State Legislature for FY 2022 budget requests to support Dam Watch is imperative.

SAKW wants to thank KDA and DWR for their past support and we look forward to the future with not only this request, but for all the Water Resource needs of Kansas.

Sincerely;

Barb Oltjen
SAKW President

June 4, 2020

**Barb Oltjen
SAKW President
PO Box 216
Robinson, KS 66532**

Dear Ms. Oltjen,

First, let me express our appreciation for SAKW's interest in serving dam owners and protecting the lives and property of those downstream of these structures. We received your April 9, 2020 letter asking for an evaluation of DWR staffing and financial needs to support inclusion of all state and locally funded Watershed District dams in Dam Watch. We've carefully reviewed this option and have determined Dam Watch's services are largely redundant to information the Division of Water Resources (DWR) is currently required to provide per Kansas statutes.

In addition, current funding of the dam safety program does not have the capacity to subscribe to the Dam Watch program. You may realize that DWR uses two electronic document management systems to maintain records for regulated dams. If all state and locally funded watershed district dams were included in Dam Watch, our staff would be required to store documents for those specific dams in yet another additional records management system. It is unlikely DWR would pursue Dam Watch even if the existing dam safety program had more funds available because it would require an additional investment and resources, increase the complexity of our record keeping, and provide minimal value to our mission. If additional funding becomes available to enhance dam safety services, our priority would focus on investing in other needs of the dam safety program.

It's important to note The American Society of Civil Engineers 2018 Infrastructure Report Card recommended increased funding and staffing of the Kansas dam safety program to be more consistent with national averages. The 2018 Association of State Dam Safety Officials (ASDSO) State Performance Report also recommended additional funding and staffing for the Kansas dam safety program. ASDSO noted that the staff has decreased from over 9 full-time employees (FTE's) in 2010 to 5 in 2018. To put this in perspective, Kansas has over 1,200 regulated dams per FTE while the national average is under 200 regulated dams per FTE. Additionally, ASDSO noted that Kansas receives state funding of approximately \$50 per regulated dam while the national average is approximately \$700 per regulated dam.

Despite the issues noted above, DWR believes it would be fiscally irresponsible to request additional state general funds at this time, especially given the likelihood state agencies will be forced to reduce next year's expenditures because of the impact of the COVID-19 pandemic.

DWR values our partnership with SAKW, but we cannot support a request for additional state funding for the Dam Watch program at this time.

Sincerely,

**Christopher W. Beightel, PE
Acting Chief Engineer
Division of Water Resources**

**Pc: Herb Graves, SAKW
Kevin Gustafson, NRCS
Terry Medley, DWR**

Not to many times that State Government has to put out guidance as to what needs to happen in case the public is barred from public type meetings. I assume the contents of this fact sheet was already on file as our preparedness just in case it were needed someday.



Kansas Attorney General

Derek Schmidt

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Best practices to aid in implementing K.A.R. 16-20-1 concerning open meetings during an emergency declaration

A public body or agency subject to the Kansas Open Meetings Act (KOMA), K.S.A. 75-4317 et seq., should take any actions as may be necessary and reasonable under the circumstances of the emergency declaration to advance the state policy that “meetings for the conduct of governmental affairs and the transaction of governmental business be open to the public” as provided by K.S.A. 75-4317(a), and amendments thereto.

To aid in its transparency efforts during a declared emergency, a public body or agency should consider taking the following steps:

- (1) Audio or video record the meeting, excluding any portion of the meeting that pertains to an actual closed or executive meeting pursuant to K.S.A. 75-4319, and amendments thereto, and post the recording on its website or other internet location;
- (2) post to its website any agenda, agenda packet, presentation, or other document that will be discussed during the meeting;
- (3) post any meeting minutes to its website as soon as possible after the meeting.
- (4) as early as practicable before any such meeting or meetings, disseminate a notice describing its intent to conduct a meeting or meetings solely by a medium of interactive communication or by meeting in person but limiting physical access of the public to the place where the meeting will occur. Such notice should at a minimum:
 - (a) explain the reason or reasons the public will not be permitted to physically attend the meeting;
 - (b) describe how members of the public may receive notice of any such meeting;
 - (c) explain how members of the public may listen to, observe and/or participate in any such meeting by telephone or other medium of interactive communication; and
 - (d) explain how members of the public may obtain in advance any written information to be discussed during the meeting, such as agendas.
- (5) broadly disseminate any notice by any means calculated to bring its contents to the attention of the general public. Such means may include, but not be limited to, publication on websites of the public body or agency; dissemination to news media; publication on social media accounts of the public body or agency; distribution by email to persons likely to be interested in the business of the public body or agency; or by any other means likely to cause actual notice to members of the general public. Multiple methods of distribution should be used whenever available.

If you hurry, there is still time to take part in the following webinar. Kind of a virtual O&M workshop.



Thank you for registering for "Best Practices for Watershed Projects Inspection".

An information webinar sponsored by the National Watershed Coalition on best practices for inspection and evaluation techniques of dams for watershed projects. The principles, concepts and procedures taught will be readily adaptable to anyone responsible for conducting dam inspections and evaluating their compliance with current operation and maintenance standards. Participants will learn about embankment dams and their appurtenances, the function of typical dam features, and common dam failure modes and the conditions that can lead to these failure modes. Actual dam failure cases will be presented.

Please send your questions, comments and feedback to: rayledgerwood@msn.com

How To Join The Webinar

Tue, Jul 7, 2020 9:00 AM - 10:30 AM CDT

Add to Calendar: Outlook® Calendar | Google Calendar™ | iCal®

1. Click the link to join the webinar at the specified time and date:

Join Webinar

Note: This link should not be shared with others; it is unique to you.

Before joining, be sure to check system requirements to avoid any connection issues.

2. Choose one of the following audio options:

TO USE YOUR COMPUTER'S AUDIO:

When the webinar begins, you will be connected to audio using your computer's microphone and speakers (VoIP). A headset is recommended.

—OR—

TO USE YOUR TELEPHONE:

If you prefer to use your phone, you must select "Use Telephone" after joining the webinar and call in using the numbers below.

United States: +1 (415) 655-0052

Access Code: 652-494-986

Audio PIN: Shown after joining the webinar

Webinar ID: 914-879-435

To Cancel this Registration

If you can't attend this webinar, you may cancel your registration at any time.

SAKW sent this document out to their watershed partners with a link to open up every page of the most complete reference of all watershed facts and figures we have ever seen or read. Please let us know if you did not get a copy. We would be glad to send one your way.

United States
Department of
Agriculture

Natural
Resources
Conservation
Service



Conservation
Engineering
Division

Historical Notes
Number 9
May 2020

USDA Watershed Programs Facts and Figures

A Reservoir of Watershed Program Information

Larry W. Caldwell



KDA/DOC has updated the Watershed District Handbook with the latest and best available information. Why not send a message of thanks to those at DOC who worked the many hours to make the May, 2020 edition a reality.



Watershed District
Administration

Financial Guidelines

Board Meetings

Cost-Share
Administration

Construction

Dam Rehabilitation

Inundation Maps

Watershed District
Law & Other Legal
Information

*Kansas Department of
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agriculture.ks.gov/DOC*

Division of Conservation

Watershed District Handbook

May 2020



Below is a draft of a State and Local Dam Report from watershed districts that SAKW has contacted so far. Planned, completed, under construction, and remaining to build are the dam categories. As you can see, we still have several blanks to fill in. It may appear to be trivial pursuit to some, but no such report exists to my knowledge. Why not have a report that shows where the program has gone and how far we have to go. I have spent my entire SAKW career using estimates for the State dam program. The number of planned dams seems to be the most challenging number to come up with. Your General Plan with all amendments accounted for is the official source for planned dams. Help SAKW and help yourself by digging into your files for your General Plan with amendments and coming up with the numbers. We will complete the inquiries of the remaining districts in the near future. Our goal is to publish the final report on the reverse side of the KDA/DOC watershed district map and have it posted to both their and our websites.

State and Locally Funded Watershed District Dams

District No.	Watershed Name	*Total Planned	No. Completed	No. Under Construction	No. Remaining to Build
7	Nemaha-Brown	322	52	0	270
10	Delaware	331	93	0	238
17	Cherry-Plum	23	7	0	16
21	Fall River	7	3	0	4
22	Whitewater	10	8	0	2
37	Upper Black Vermillion	20	7	0	13
38	Timber			0	0
42	Cross	26	18	0	8
45	Rock	82	28	0	54
46	Salt			0	0
48	Big	15	0	0	15
54	Mount Hope			0	0
55	Deer	35	8	0	27
56	Cedar	12	5	0	7
58	Wet Walnut	51	10	0	41
59	Duck	6	0	0	6
60	Middle Walnut	30	24	0	6
61	Diamond			0	0
62	Middle	13	4	0	9
66	Wolf	177	14	0	163
68	Sand	18	7	0	11
70	Vermillion			0	0
72	Walnut-West	49	12	0	37
75	Roy's			0	0
76	South Fork			0	0
77	Eagle	17	6	0	11
78	Pony	83	24	0	59
81	Pawnee	73	49	0	24
82	Tauy			0	0
83	Otter	27		0	27
84	Rock	54	13	0	41
85	Mill	61		0	61
86	Doyle	14	6	0	8
87	James Draw			0	0
89	Allen	47	20	0	27
90	Pottawatomie			0	0
92	Grouse-Silver	18	6	0	12
93	Long-Scott			0	0

Talk about PL-566 history, sorry for the paper smears, but these next two pages are fast approaching 70 years old. They talk about the trials and tribulations that went on to produce a watershed program that had been authorized in 1936. I have the complete 35 page report by Mr. Maass, but thought a couple pages for this newsletter was enough to stir your interest.

Reprinted from
PUBLIC POLICY • VOLUME V • 1954

PROTECTING NATURE'S RESERVOIR*

Arthur Maass

IN July of 1953 the 83rd Congress, though hellbent on economy, appropriated \$5 million for a new and unbudgeted national program of "watershed protection." Neither President Truman nor President Eisenhower had requested this money in their Budgets; it was provided at the urgent request of certain Members of Congress who were concerned over a rising public pressure for national action on watershed flood control. Clifford Hope of Kansas, chairman of the House Agriculture Committee, presented the item to the Committee on Appropriations. "I am sure," he said, "that the members of this Subcommittee are aware of the tremendous interest in watershed programs which exists throughout the country today. As a matter of fact, I am convinced that the country is far ahead of the Department of Agriculture and the Congress on this subject."¹

But in appropriating \$5 million for this purpose Congress was not dealing for the first time with the watershed problem. In June of 1936 it had declared that "destructive floods upon the rivers of the United States . . . constitute a menace to national welfare," and that "the Federal Government should improve or participate in the improvement of navigable waters and their tributaries, *including watersheds thereof*, for flood purposes if the benefits to whomsoever they may accrue are in excess of the costs, and if the lives and social security of the people are otherwise adversely affected."² To this end Congress provided that Federal investigations and improvements of rivers for flood control and allied purposes should be under the supervision of the Chief of Engineers, and that Federal investigations of watersheds and measures for runoff and water-flow retardation and soil erosion on watersheds should be undertaken by the Department of Agriculture. The Secretary was authorized and directed to make watershed flood control surveys in the same localities in which the Corps of Engineers was authorized to make river surveys for flood control.

* See bibliographic note at conclusion of article for method of citing sources.

¹ Ref. (C), p. 583.

² Flood Control Act of 1936, 49 Stat. 1570. Emphasis added.

By June of 1953, however, the Government had made very little progress on the watershed program authorized in the Flood Control Act of 1936. The Department of Agriculture had not yet agreed upon a rationale for the program, nor upon an organization to develop such a rationale. During this seventeen year period the Department had recommended to Congress improvements on only 26 watersheds.³ And with respect to these, there was little agreement in the Department, the Executive Office of the President, or the Congress that adequate or satisfactory plans had been proposed. Congress had authorized the 11 watershed proposals prepared before World War II (all in the Flood Control Act of 1944), but had failed to take any action on those submitted thereafter; and relatively little work progress had been made on the authorized watersheds. It is in the light of these facts that we recall Clifford Hope's conviction that "the country is far ahead of the Department of Agriculture and the Congress on this subject."

WHY SO LITTLE PROGRESS?

Why had so little progress been made since 1936? Why had the Department of Agriculture been unable to make effective use of the Flood Control Act? It is the purpose of this article to develop an answer to these questions and then to interpret Congressional action in 1953 in the light of this answer.

In brief, the answer is that the Department of Agriculture, considering its internal organization and its relations with outside groups, with the Budget Bureau, and with Congress, had been unable to adjust to a *project-by-project*, in contrast to a *nationally uniform* approach to an agricultural problem. The Flood Control Act contemplated a project approach, similar to that of the Corps of Engineers. But for Agriculture, that which was to be applied on a project basis, "measures for runoff and waterflow retardation and soil erosion prevention on watersheds," was not well delineated in the legislation nor in the work preparatory to it. Neither was the relation of a program of watershed projects to the nation-wide conservation programs of the Department.

³ Eleven surveys were completed before World War II interrupted USDA work on this type of activity; and 15, thereafter. The general report on the Missouri River Basin Agricultural Program is not included in the count for this purpose.

Events to Consider

None for the near future. Will do our best to keep you posted when meetings and events once more can be scheduled and/or attended safely.