

# The WaterFront



Winter 2017



*KWO Photo Contest –Dennis Schwartz*

## Word from the Street



Tracy Streeter, Director

Now that we've reached the halfway point of the 2017 Legislative Session, we can pause briefly and reflect on our efforts thus far. Clearly, the January efforts of the Kansas Water Authority (KWA) and Regional Advisory Committee (RAC) members were effective and grabbed the attention of many legislators. I greatly appreciate the involvement of the organizations that testified in support of the Blue Ribbon Funding Task Force

recommendations, the recommendations of the KWA and also testified on several water policy bills.

Chairman Sloan and the House Water and Environment Committee spent a great deal of time learning about our water issues and explored several funding options including the Blue Ribbon Funding Task Force recommendations. There will likely be additional funding discussions during the second half of the Session including a consideration to restore the State General Fund and Economic Development Initiatives Fund transfers to the State Water Plan Fund.

These discussions will likely initially occur in the House Water and Environment Committee. In addition, the water-related agencies have yet to present their budgets to the Senate Sub-Committee for Ways and Means.

My point is this. I encourage all of you engaged in the Water Vision process, whether serving on a RAC, the Water Authority, or are a member of an organization who is involved in the legislative process, to stay engaged in the second half of this Legislative Session. We at the Water Office will make every effort to keep you informed of hearings, legislative proposals and the status of the budget process. Thanks again for all of your efforts so far!



*KWA Member Dennis Schwartz testifying on Public Water Supply*

The 2017 Legislative Session is at its mid-session break, and legislators will return to Topeka on Monday, March 6. We have been busy thus far with testimony, visits and lawmaker requests. Of note this session is a newly-formed Standing Committee, the House Water & Environment Committee, which has separated water issues out from underneath the Agriculture “umbrella.” The Committee, chaired by Rep. Tom Sloan (Lawrence), has discussed a variety of topics and has to date passed two pieces of legislation out of Committee: HB 2312, a bill amending the administrative hearing process for the Department of Agriculture, and Sub for HB 2272, established the Kansas Water Authority science and research subcommittee.

Other legislation we have prepared testimony on includes issues such as Water Conservation Areas, impairment and water rights, fee changes for water users, and the recommendations of the Blue Ribbon Funding Task Force for Water Resource Management. For a full list of legislation and testimony, please visit our website at: <http://www.kwo.org/LegislativeNews.html>

The Kansas Water Authority and Regional Advisory Committee members were in Topeka in January to participate in meetings with more than 80 legislators on water-related issues. KWA and RAC members shared the 2017 Annual Report, funding priorities and RAC implementation plans with House and Senate members. KWA Chairman Gary Harshberger also testified before four committees; House Water & Environment, House Agriculture, Senate Ag & Natural Resources and Senate Ways and Means. KWA member Dennis Schwartz also testified in favor of HCR5008, a resolution which would implement the Blue Ribbon Funding Task Force recommendation on the state sales tax directed to the State Water Plan Fund.



## Federal Update - Water Supply Rule

The U.S. Army Corps of Engineers (USACE) is seeking comment on a proposed rule to update and clarify its policies governing the use of their reservoir projects for domestic, municipal and industrial water supply.

It is intended to enhance USACE’s ability to cooperate with state and local interests in the development of water supplies in connection with the operation of its reservoirs for federal purposes.

The Kansas Water Office (KWO) will be submitting comments. While the majority of the rule relates to evaluating how much storage could be made available for water supply purposes, and entering into agreements, there are a few provisions which could have an impact on Kansas. In particular, we are concerned there are provisions within the rule that could be in conflict with Kansas statutes relating to appropriation and management of water, including development of accounting procedures at each USACE reservoir. The KWO already completes monthly reservoir accounting for each reservoir in which we own storage. The majority of the accounting in the proposed rule matches our approach, certain portions do not.

Kansas continues to look for opportunities to reallocate storage in USACE reservoirs. The proposed rule set the approval for reallocations at the Asst. Secretary of the Army level, in effect slowing the reallocation process. The proposed rule also attempts to clarify the pricing of storage and includes aspects we have not traditionally dealt with in Kansas. It is unclear how these provisions could affect our state. We will

seek additional information and clarification.

The intention is to initiate positive dialogue with stakeholders and promote program certainty and efficiency by establishing a uniform understanding of the rule. The rule is designed to clarify processes for approving and entering into water supply agreements at USACE reservoirs.

### Key features of the proposed rule include:

- Explanation of the purpose and scope of the authority conferred under Section 6 and the Water Supply Act, including the water supply uses that may be accommodated, and statutory limits on USACE’s authority to include storage for water supply
- Definitions interpreting key statutory terms, including "surplus water"
- Pricing methodologies for surplus water contracts under Section 6, and for water supply storage agreements under the Water Supply Act
- Provisions to simplify and streamline administrative processes for surplus water withdrawals
- Provisions to clarify the amount of water withdrawn under water supply storage agreements and procedures to account for water supply uses
- Provisions to ensure coordination of proposed water supply actions with states, tribes, federal agencies and the public

The public comment period ended February 14, 2017 but was extended for 60 days.



This semester we have two new interns assisting on Kansas Water Office projects in addition to Amanda Sales who continues to help on various projects, design work and social media.

Laura Metz from Overland Park is an undergraduate at the University of Kansas finishing her Bachelor of Science degree in Environmental Studies with a minor in Leadership Studies. She is also enrolled in an accelerated master's program and beginning her masters in Environmental Assessment.

She is very involved in the Free City Church in Lawrence and in her free time she loves to cook.

Rebecca Reilly is from Leavenworth, Kansas and is a junior at the University of Kansas where she is studying Civil Engineering. In her free time she enjoys traveling and yoga.

Both of these ladies are working on assessing streambank stabilization projects, specifically in the priority watersheds above John Redmond, Perry and Tuttle Creek Reservoirs. They are also identifying potential streambank erosion hotspots.

The assessments will help to:

- Identify areas with erosion concerns and estimate erosion losses to provide a better understanding of erosion trends and rates in particular watersheds for mitigation purposes
- Guide prioritization of streambank stabilization by identifying reaches of streams where erosion is most severe in the watersheds above our water supply reservoirs



*Laura Metz and Rebecca Reilly*

## Missouri River Environmental Impact Study

The Missouri River is the longest river in the United States and flows for 2,341 miles from Montana through Missouri. The Missouri River Recovery Management Plan (MRRP) and Environmental Impact Statement (EIS) is a multi-year effort that has evaluated the effectiveness of current habitat development and developed new alternatives. It began on January 18, 2013 when the United States Army Corps of Engineers (USACE) issued a notice of intent to prepare the EIS. The Draft EIS currently open for public comment contains six alternatives that address the very complex issues of this vast river system.



The approval of one of the alternatives will result in recommended modifications to more effectively create habitat and avoid jeopardy to the following species: pallid sturgeon, interior least tern and piping plover. Each of these species has been listed under the Endangered Species Act (ESA) as early as 1986 and has specific propagation requirements. In order to counteract the influence of humans on this river system a suite of actions have been used including artificial construction of habitat, timely releases of reservoir water

for spawning cues and construction of side channels, all of which are coupled with a vast amount of research. The chosen alternative will have a 15 year implementation timeframe.

The USACE continues to collaborate with the Missouri River Recovery Implementation Committee (MRRIC) which represents a cross-section of basin interests, including federal and state agencies, Tribes, industry and other interests. Citizen and stakeholder input on the alternatives is a critical part of the process and must be submitted to the USACE by April 24. The Missouri Regional Advisory Committee has formed a subcommittee which plans to provide comments to the Kansas Water Office (KWO). The alternative can be viewed at [Draft EIS](#) and public comments can be submitted online to: **Comments** or written comments to: U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO-PM-AC -Management Plan Comments, 1616 Capitol Avenue, Omaha, NE 68102.



For comments or questions on  
The WaterFront please contact  
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## March

7 - Solomon-Republican RAC Meeting, Pittsburg, Kansas

## April

3 - Neosho RAC Meeting, Pittsburg, Kansas

12 - Verdigris RAC Meeting, TBD

13 - Marais des Cygnes RAC Meeting, Fort Scott, Kansas

## May

17-18 - KWA Water Authority Meeting, Garden City, Kansas

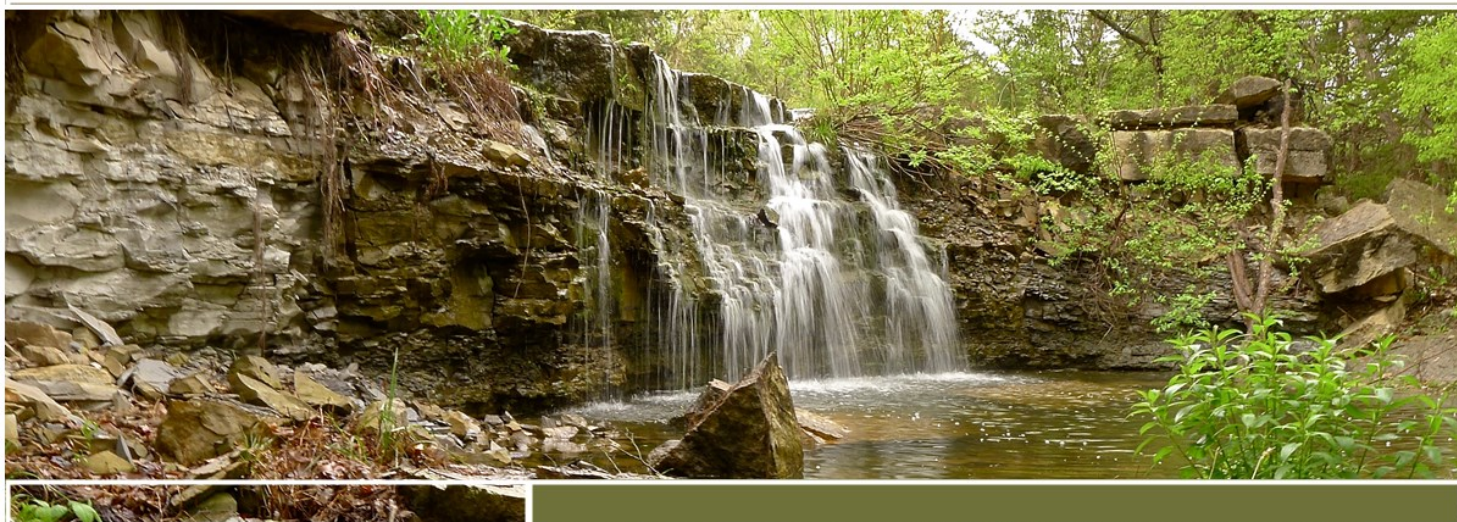


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## Governor's Conference on the Future of Water in Kansas



# SAVE THE DATE!



**Governor's Conference on the Future of Water in Kansas**

**November 8-9, 2017**

**Hilton Garden Inn, Manhattan, Kansas**

*www.kwo.org*