

# **RESPONDING TO DROUGHT**

## **A Guide for City, County and Water System Officials**

2018

*Provided by the Governor's Drought Response Team*

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Kansas is drought prone, meaning that local officials must periodically respond to drought. Knowledge of available powers and pre-planning are keys to effective response. This guidance is intended to acquaint you with those powers and authorities available to you and suggest steps that can be taken to limit drought impacts. Among the topics covered are:

- Drought Monitoring
- Local Planning and Coordination
- Disaster Declarations
- State and Federal Assistance
- Sources of Additional Information

As always, it is important that you work with your professional engineering staff and consultants and your legal counsel to determine the best course of action. Appendix A identifies state and federal agency staff that can provide additional information.

### **Drought Monitoring - How Dry Is It?**

Drought differs from other hazards in that its onset is gradual rather than resulting from a particular incident. Also, drought conditions may vary over a short distance, even within a single county. Keeping track of regional conditions can help alert you to the possible development of drought in your area. The U.S. Drought Monitor is vital in this regard. ( <http://droughtmonitor.unl.edu/>)

The U.S. Drought Monitor provides an overview of conditions across the nation. Five categories of drought ranging from abnormally dry to exceptional drought are depicted on a map that is updated each Thursday. Dominant regional drought impacts such as agricultural and hydrological are also shown. The general trend in conditions for your area may be determined by comparing the latest map with those for several previous weeks.

### Kansas Drought Stages

The Kansas Water Office is charged by law (K.S.A. 74-2608) with monitoring drought conditions within the state and notifying the Governor when such conditions exist. Assembly of the Governor's Drought Response Team is also recommended at the onset of drought and at other times as necessary. This interagency group coordinates a phased approach to state drought response keyed to three county drought stages as declared by the Governor: Drought Watch, Drought Warning and Drought Emergency.

These drought stages provide an additional 'heads-up' to local officials regarding conditions in their area. Please see the most recent Climate Summary and Drought Report compiled by the Kansas Water Office for a map showing current county drought stage declarations. ( <http://www.kwo.ks.gov/reports2/climate-and-drought-monitoring-response>)

A general description of impacts at each drought stage follows. These stages are roughly comparable to the drought categories shown in the U.S. Drought Monitor (e.g. Drought Watch = Moderate Drought).

Drought Watch: Moderate Drought. Some crop and pasture damage. High rangeland fire danger. Likelihood of serious public water supply shortages is growing.

Drought Warning: Severe Drought. Crop or pasture losses likely. Some stock water shortages. Very high

rangeland fire danger. Public water supply shortages present. Some streamflow targets not being met.

**Drought Emergency:** Extreme or Exceptional Drought. Widespread major crop and pasture losses. Extreme rangeland fire danger. Widespread stock water shortages. Widespread, severe public water supply shortages. Many streamflow targets not being met.

### **Before Drought Hits - Local Planning and Coordination**

Coping with drought begins locally. Public water supply impacts and wildfire are two of the most common drought-related problems. Local officials, including emergency management agencies, should consider how they would respond should serious drought conditions develop. Officials should be familiar with local emergency response plans and water conservation plans and the appropriate channels for implementing them.

**Municipal Water Conservation Plans:** Having a state-approved water conservation plan is a public water system's first line of defense against drought. Local drought contingency measures are a key component of these plans. State planning guidelines: 2007 Municipal Water Conservation Plan Guidelines outline what is involved. Technical assistance for developing a plan is available through the Kansas Water Office upon request. While there is no overall requirement to have a municipal water conservation plan, they are required under certain circumstances such as to be eligible for low-interest loans from the State Revolving Loan Fund.

All public water supply systems must develop emergency response plans as required by K.A.R. 28-15-18 and authorized by K.S.A. 65-171m. [Emergency Response Plan Guidance](#) from the Kansas Department of Health and Environment includes planning for drought.

**Open Burning Permits:** Basic options for managing open burning include issuance of burning bans by the board of county commissioners, when needed, or use of a burning permit system. The latter is recommended. An open burning permit system allows regulation of open burning in response to prevailing conditions. A permit system ensures that all necessary preliminary work such as adopting regulations and providing public notice has been done in advance of the need.

A permit system is keyed to the day-to-day fire danger. The current rangeland fire danger index and other fire weather information is available from the National Weather Service on the Fire Weather Outlook at [http://www.spc.noaa.gov/products/fire\\_wx/](http://www.spc.noaa.gov/products/fire_wx/).

### **Disaster Declarations**

Kansas has a two-tiered statutory approach to drought. The county drought stage declarations associated with Kansas Water Office responsibilities (K.S.A. 74-2608) for informing the Governor also provide notice to state and local officials of drought conditions and trigger implementation of the Governor's Drought Response Team Operations Plan. This Plan is largely limited to coordination of government actions. These declarations, in and of themselves, **do not** affect local responsibilities or powers.

The Kansas Emergency Management Act (K.S.A. 48-901 *et. seq.*) governs local powers and provision of aid during a declared state of disaster emergency. Drought is included. Examples of drought impacts leading to such a declaration include wildfire or loss of public water supply function due to mechanical breakdown.

**State of Local Disaster Emergency Declarations:** A state of local disaster emergency may be declared by the chairman of the board of county commissioners or by the mayor or other principal executive officer of each city having a disaster emergency plan as provided in K.S.A. 48-932. Such a declaration activates the response and recovery aspects of local and interjurisdictional disaster emergency plans including rendering of aid and assistance. Appendix B provides a model resolution for a board of county commissioners to declare a drought emergency.

K.S.A. 19-3001, enacted in 1941, provides statutory authority for counties to expend general fund monies on drought-relief wells upon the declaration of a drought emergency by the board of county commissioners.

When the Governor determines that a disaster has occurred or the threat is imminent, **which may be upon request of local officials**, he or she may declare a state of disaster emergency (K.S.A. 48-924). Such a declaration activates the disaster response and recovery aspects of the state disaster emergency plan **and** of any local and interjurisdictional disaster plans applicable to the affected area. Also, the declaration provides authority for the deployment and use of any forces to which the plan or plans apply and for the use or distribution of any supplies, equipment, materials, or facilities assembled or made available pursuant to the Kansas Emergency Management Act. .

National Incident Management System (NIMS): The Kansas Intrastate Emergency Mutual Aid Act became effective July 1, 2006. This Act is in response to Homeland Security Presidential Directive No. 8, issued by President George W. Bush in December 2003. A goal of the Presidential Directive was to implement NIMS as the standardized emergency management response system to deal with all aspects of Homeland Security. With Executive Order 05-03, Governor Sebelius adopted NIMS as the state standard for incident management.

The Kansas Intrastate Emergency Mutual Aid Act provides for a standardized system for mutual assistance among participating political subdivisions in the prevention of, response to, and recovery from any disaster resulting in a formal state of emergency. Among the responsibilities of participating governmental subdivisions is adopting, training on and operating the National Incident Management System.

USDA Secretarial Disaster Declarations: Due to the magnitude of drought impacts upon farmers and ranchers, agricultural drought assistance is provided primarily through the federal government. Local and state officials are involved, however, in the disaster declaration process. Damages and losses prompting disaster declarations must be due to a natural disaster such as drought; and a minimum 30 percent production loss of at least one crop of economic significance in the county must have occurred. In 2012, USDA developed a fast-track process for disaster declarations for severe drought. This provides for a nearly automatic designation when, during the growing season, any portion of a county meets the D2 (Severe Drought) drought intensity value for eight consecutive weeks or a higher drought intensity value for any length of time as reported by the U.S. Drought Monitor (<http://droughtmonitor.unl.edu>).

Agricultural producers in counties covered by a disaster declaration issued by the U.S. Secretary of Agriculture may apply for low-interest emergency loans. These loans are administered by the USDA Farm Service Agency.

Major disaster or emergency declarations may be made by the President upon request of a state Governor. These declarations commonly cover natural disasters such as floods, tornadoes, hurricanes and earthquakes rather than drought. Assistance resulting from a Presidential disaster declaration is administered through the Response and Recovery Division (FEMA), Department of Homeland Security. Presidential Disaster Declarations can be found at <https://www.fema.gov/disasters> .

## **State and Federal Assistance**

Assistance available to local communities for coping with drought includes the following.

Emergency Haying and Grazing: Emergency haying and grazing of acreage enrolled in the USDA Farm Service Agency's (FSA) Conservation Reserve Program may be authorized to provide relief to livestock producers in areas affected by severe drought. Authorization is provided through either the national FSA office or by a state FSA committee determination.

County eligibility following national FSA office authorization is based upon 40 percent or greater loss in normal hay and pasture production and (for drought) precipitation levels averaging 40 percent or more below normal for the most recent four months plus the days in the current month before the date of request. The state FSA committee may approve emergency haying and grazing on a county-by-county basis if a county is designated as being in Extreme Drought (D3) or Exceptional Drought (D4) according to the U.S. Drought Monitor. Contact your county FSA office or Rod Winkler at the Kansas FSA Office (785/539-3531) for additional information.

State Emergency Assistance: When the resources needed to respond to an incident such as wildfire exceeds

local capabilities, state assistance may be provided. For example, the Kansas Army National Guard can provide limited equipment for pumping, hauling and storing potable water in an emergency related to drought or other causes. Resources and assets from other state agencies may also be deployed. Local officials must request a Governor's proclamation of a state of disaster emergency. Contact the Operations Officer at the Kansas Division of Emergency Management (785/274-1406) for more information or call KDEM's 24-hour hot line, 1-800-905-7521 or 785/296-3176 to request assistance.

Corps' Emergency Water Assistance: The U.S. Army Corps of Engineers (USACE) may provide temporary emergency water assistance for human consumption/usage to a drought distressed area to meet minimum public health and welfare requirements. Assistance may include transportation of water by vehicle, small diameter pipeline or other means. Assistance for construction of wells may also be available.

All local and state resources should have been utilized, and a state of drought emergency declared prior to seeking assistance. A written request from the Governor or the Governor's authorized representative is required. Contact the Kansas Division of Emergency Management at 785/296-3176 or 1-800-905-7521 to request assistance.

Kansas Water Marketing Program Surplus Water Contracts: Urgent or emergency water contracts can be obtained for surplus water that may be available from state controlled storage in 12 Corps of Engineers reservoirs located in eastern and central Kansas. While surplus contracts may be applied for at any time, urgent and emergency contracts are specifically authorized at the Drought Warning and Drought Emergency county drought stages, respectively. An expedited application process applies to both. Water must be used for municipal or industrial purposes, and the term of the contract may not exceed one year. To apply for a surplus water contract, contact the Kansas Water Office (785/296-3185).

State Revolving Fund: The Kansas Public Water Supply Loan Fund (State Revolving Fund) provides low interest loans to municipalities and rural water districts for the construction of public water supply system infrastructure. Applicants must adopt and implement a state-approved municipal water conservation plan. Projects are ranked by the Kansas Department of Health and Environment (KDHE) and then placed on a funding priority list. Where urgent need or public health concerns are present, an expedited loan approval process that bypasses the funding priority list may be authorized by the Secretary of Health and Environment. Contact KDHE (785/296-0735) for additional information or to apply for a loan.

Fire Protection: Always a hazard, the risk from wildfire increases during drought. The Cooperative Fire Protection Program of the Kansas Forest Service (KFS) provides assistance in the prevention and suppression of wildland fires. An increasing concern is the wildfire risk associated with home development along the wildland/urban interface. The KFS is a sponsor of Firewise Communities, a national program aimed at protecting homes in the event of wildfire. Firewise Communities is a multi-agency effort designed to reach beyond the fire service by involving homeowners, community leaders, planners, developers and others in protecting against the risk of wildfire. KFS has also started developing state wildland firefighting resources in the form of engines and aircraft with the goal of providing direct fire suppression support whenever possible. Contact the KFS at 785/532-3314 for more information about Wildfire or other assistance. The KFS Emergency Fire Number is 785/532-3321

## **Additional Information**

Drought Contacts: Appendix A lists key people to contact regarding drought assistance or information. If in doubt about whom to contact, please call the Kansas Water Office at 785/296-3185.

KanCap: The Kansas Department of Health and Environment has put together training materials (notebook and CD's) on all aspects of public water supply system management. It's aimed at local officials. Many topics are related to drought preparedness or response. Contact Cathy Tucker-Vogel (785/368-7130, [ctuckerv@kdheks.gov](mailto:ctuckerv@kdheks.gov)) for further information.

Additional Web Resources: The Kansas Climate Summary and Drought Report is updated monthly by the Kansas Water Office. The Report is available on the Kansas Water Office web site ([www.kwo.ks.gov](http://www.kwo.ks.gov)), "Drought"). Links to other web sites of interest include:

Kansas Association of Counties: <http://www.kansascounties.org/>

Kansas Division of Emergency Management: [http://www.kansastag.gov/kdem\\_default.asp](http://www.kansastag.gov/kdem_default.asp)

Kansas Department of Agriculture Division of Water Resources Page: <https://agriculture.ks.gov/divisions-programs/dwr>

KSU Weather Data Library Drought Information Page: <http://climate.k-state.edu/drought/updates/>

Kansas Rural Water Association: <http://krwa.net>

League of Kansas Municipalities: <http://www.lkm.org/>

U.S.G.S. - WaterWatch: [https://waterwatch.usgs.gov/?id=ww\\_drought](https://waterwatch.usgs.gov/?id=ww_drought)

U.S.Drought Monitor: <http://www.drought.unl.edu/>

**APPENDIX A  
DROUGHT ASSISTANCE AND INFORMATION CONTACTS**

<b>ASSISTANCE / INFORMATION NEEDED</b>	<b>NAME / ORGANIZATION</b>	<b>CONTACT INFORMATION</b>
<b>Emergency Assistance</b>	Jonathan York Operations Officer KS Division of Emergency Management	(785) 296-3176, or 1-800-905-7521 (24-hours) (785) 274-1406 <a href="mailto:jonathan.r.york5.nfg@mail.mil">jonathan.r.york5.nfg@mail.mil</a>
<b>Water from Federal Reservoirs</b>	Cara Hendricks Kansas Water Office	(785) 296-3185 <a href="mailto:Cara.hendricks@kwo.ks.gov">Cara.hendricks@kwo.ks.gov</a>
<b>Water Rights</b>	Lane Letourneau, Manager Water Appropriations Program Division of Water Resources Kansas Department of Agriculture	(785) 564-6670 <a href="mailto:lane.letourneau@ks.gov">lane.letourneau@ks.gov</a>
<b>Water Treatment Permits</b>	Public Water Supply Section Bureau of Water Kansas Dept. of Health and Environment	(785) 296-5514
<b>Municipal Water Conservation Plans</b>	Diane Knowles Kansas Water Office	(785) 296-3185 <a href="mailto:Diane.knowles@kwo.ks.gov">Diane.knowles@kwo.ks.gov</a>
<b>Open Burning Bans and Permits: Wildfire Emergency</b>	State Fire Marshal's Office	(785) 296-3401
	Ross Hauck Kansas Forest Service	KFS Emergency Fire # (785)532-3321 <a href="mailto:rhauck@ksu.edu">rhauck@ksu.edu</a>
<b>USDA Farm Service Agency Disaster Assistance; Emergency Haying and Grazing</b>	Rod Winkler USDA Farm Service Agency	(785) 539-3531 <a href="mailto:rod.winkler@ks.usda.gov">rod.winkler@ks.usda.gov</a>
<b>Drought and Weather Data; Outlook</b>	Mary Knapp State Climatologist Kansas State University	(785) 532-7019 <a href="mailto:mknapp@ksu.edu">mknapp@ksu.edu</a>
Updated: March 7, 2018		

**APPENDIX B  
MODEL DROUGHT EMERGENCY DECLARATION  
RESOLUTION No. \_\_\_\_\_**

Whereas \_\_\_\_\_ County, Kansas is suffering from prolonged drought, and

Whereas these drought conditions have adversely affected the safety and welfare of the residents of \_\_\_\_\_ County, and

Whereas state law (K.S.A. 19-3001 *et seq.*, and amendments thereto; K.S.A. 19-3003 *et seq.*, and amendments thereto; K.S.A. 82a- 408 *et seq.*, and amendments thereto) gives the Board of County Commissioners additional powers to respond to drought during a declared emergency, therefore

We, the Board of \_\_\_\_\_ County Commissions do hereby declare by the authority granted to us in K.S.A. 82a-408 *et seq.* and amendments thereto, that a state of local drought emergency exists in \_\_\_\_\_ County.

This declaration shall remain in force until withdrawn by the Board of \_\_\_\_\_ County Commissioners.

This action taken by majority vote of the Board of \_\_\_\_\_ County Commissioners on \_\_\_\_\_ (date).

\_\_\_\_\_  
Chairman, Board of \_\_\_\_\_ County Commissioners

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Attest: \_\_\_\_\_  
County Clerk  
Date \_\_\_\_\_