

**Kansas Water Authority Meeting
Conference Call / GoToMeeting
10:00 a.m. – April 14, 2020
Agenda**

<i>Time</i>	<i>Agenda Item</i>	<i>Presenter</i>	<i>KWA Advice</i>	<i>KWA Decision</i>	<i>Page No.</i>
10:00 am	Call to Order/Roll Call	Connie Owen	--	--	--
10:05 am	Approval of Meeting Minutes	Connie Owen			
	January 29, 2020 Meeting			X	2
	March 9, 2020 Meeting (Conference Call/GoToMeeting)			X	5
10:10 am	Update on State Response to COVID-19	Earl Lewis	X		
10:20 am	KWA RAC Operations Committee				
	New RAC Membership Discussion/Appointments	Bobbi Luttjohann		X	6
10:40 am	Vision/Kansas Water Plan Update Status	Bobbi Luttjohann	X		7
10:50 am	Legislative & Budget Update	Cara Hendricks			8
	2019 Special Committee on Ag & Nat. Resources Report	Cara Hendricks	X		
	FY 2021 SWPF Budget Status	Cara Hendricks	X		
	RAC Informational Budget Webinar Preview/Discussion	Cara Hendricks	X		
11:15 am	Federal Updates	Matt Unruh			16
	NEPA Proposed Rule Status	Matt Unruh	X		
	Withdrawal of Water Supply Rule	Matt Unruh	X		
11:25 am	Federal Cooperative Agreements (USGS) Briefing	Josh Olson	X		19
11:40 am	Director's Report	Earl Lewis	X		
11:50 am	New Business				
12:00 pm	Adjourn				

Upcoming Kansas Water Authority Meetings: May Call

Minutes

KANSAS WATER AUTHORITY

January 29, 2020

Topeka, Kansas

Regular Meeting

CALL TO ORDER: Chair Connie Owen called the **January 29, 2020** Kansas Water Authority meeting to order at **8:35** a.m. at the Cyrus Hotel Ballroom in Topeka, KS

VOTING MEMBERS

PRESENT: Connie Owen; chair; Mike Armstrong, John Bailey; Mark Fischer; Greg Graff; Randy Hayzlett; Jeremiah Hobbs; Alan King; Chris Ladwig; Carolyn McGinn; Ted Nighswonger; Dennis Schwartz; David Stroberg

EX-OFFICIO MEMBERS

PRESENT: Patty Clark; Susan Duffy; Earl Lewis; Chris Beightel; Rolfe Mandel; Dan Devlin; Brad Loveless; Rob Reschke; Sara Baer; Eric Glave; Mike Beam;

VOTING MEMBERS

ABSENT: ALL PRESENT

EX-OFFICIO MEMBERS ALL PRESENT

ABSENT:

APPROVAL OF MINUTES:

Motion No. 01-20-01 It was moved by Mike Armstrong and seconded by Dennis Schwartz the **December 19, 2019** Minutes for the Regular Meeting of the Kansas Water Authority be approved as presented. **Motion carried with no dissenting votes.** Information found in meeting materials.

KWA/PWS Committee:

Dennis Schwartz gave an update.

KWA/PWS Committee:

Comprehensive Development Plan

Nathan Westrup gave an update.

Legislative Update:

Earl Lewis and Matt Unruh presented

Performance Based Budget Task Force:

Motion No. 01-20-02

It was moved by Mike Armstrong and seconded by John Bailey to approve the Kansas Water Plan Budget Guidelines.

Motion carried with no dissenting votes. Information found on page 4 of meeting materials.

Research Coordination Work Group:

Dan Devlin gave an update

Research Coordination Work Group:

HAB Research Update

Elizabeth Smith with KDHE presented on the Kansas HAB Response Program Overview.

Ted Harris with KBS presented on Are HABs Increasing. Information found in KWA meeting presentations.

Federal Updates:

Cara Hendricks and Matt Unruh gave an update.

Federal Update:

Motion No. 01-20-03

It was moved by Mike Armstrong and seconded by Randy Hayzlett to propose sending a letter to the Council on Environmental Quality (CEQ) to agree with and support a 60 day extension of the comment period on proposed regulations to the National Environmental Policy Act (NEPA).

Motion carried with no dissenting votes. Information found on page 10 of meeting materials.

Arbuckle Study Update:

Earl Lewis provided an update.

Equus Beds Chloride Plume:

Gary Koons gave an update.

Water Technology Farm:

Armando Zarco gave an update.

GMD #1 LEMA:

Armando Zaro gave an update.

Director's Report:

Presented by Earl Lewis

New Business:

N/A

Adjournment

The KWA adjourned at 12:41 p.m.

Meeting Materials and presentations referenced are also online under Kansas Water Authority

Connie Owen, Chair

Earl Lewis, Secretary

Minutes

**KANSAS WATER AUTHORITY
Topeka, Kansas**

March 9, 2020

Conference Call

CALL TO ORDER: Chair Connie Owen called the **March 9, 2020**, Kansas Water Authority conference call to order at **12:00** p.m.

MEMBERS PRESENT: Connie Owen - Chair; David Stroberg, John Bailey, Randy Hayzlett, Alan King, Dennis Schwartz, Mark Fischer, Lynn Goossen, Ted Nighswonger

MEMBERS ABSENT: Mike Armstrong, Chris Ladwig, Carolyn McGinn, Jeremiah Hobbs

EX-OFFICIO MEMBERS PRESENT: Ted Harris (KDHE), Dan Devlin (KSU), Mike Beam, Earl Lewis, Scott Carlson (DOC), Amanda Reed (KDHE), Ryan Hoffman (KCC), Mike Beam, Chris Beightel (DWR), Sara Baer

EX-OFFICIO MEMBERS ABSENT: Brad Loveless, David Toland, Rolfe Mandel

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) FOLLOW UP:
Matt Unruh and Connie Owen presented on the Council of Environmental Quality (CEQ) Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act.

Motion No. 03-20-01 It was moved by Connie Owen and seconded by Alan King to approve the draft letter provided to the KWA, pending editorial changes, being submitted as formal KWA comments to the Council on Environmental Quality regarding the Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act. **Motion Carried with no dissenting votes.**
Information found in Meeting Materials

ADJOURNMENT The KWA adjourned at 1:00pm

MEMO



DATE: April 8, 2020
TO: Kansas Water Authority
FROM: Jeremiah Hobbs
RE: RAC Membership

900 SW Jackson Street, Suite 404
Topeka, KS 66612
Phone: (785) 296-3185
Fax: (785) 296-0878
www.kwo.ks.gov

The Kansas Water Authority (KWA) Regional Advisory Committee (RAC) Operations Committee met on April 8, 2020, via conference call. Discussion from the meeting included RAC membership applications for the Cimarron RAC.

The KWA RAC Operations Committee reviewed and discussed the following applications and offer the following recommendations to the KWA.

Cimarron RAC: Two applications have been received to fill the current vacancies on the Cimarron RAC:

- The applicant, Jose Rosales has applied for the Public Water Supply (PWS) category.
- The applicant, Harrison Krey has applied for the following categories:
 - Agriculture
 - Industry/Commerce
 - At Large Public

Currently the Cimarron RAC has three vacancies open:

- Conservation/Environment (cc) (expiration date – 2023)
- Agriculture Industry (expiration date – 2023)
- At Large Public 2 (expiration date – 2023)

Recommendation: The applicant Jose Rosales is qualified to fill the PWS category he applied for as he is the Water Director for the City of Liberal, however no PWS category is currently vacant. It is recommended to change the At Large Public 2 category to PWS 3 category, and also change the At Large Public 3 and 4 categories to At Large Public 2 and 3 to create consistency within categories. It is then recommended to appoint Jose Rosales to fill the category of PWS 3.

Recommendation: The applicant Harrison Krey is qualified to fill the Agriculture Industry category as he currently farms and sells seed. It is recommended to appoint Harrison Krey to fill the category of Agriculture Industry.

The KWA RAC Operations Committee recommends KWA approval of changing the following categories on the Cimarron RAC as follows:

At Large Public 2 category to Public Water Supply 3 category

At Large Public 3 category to At Large Public 2

At Large Public 4 category to At Large Public 3

The KWA RAC Operations Committee recommends KWA approval of the applications for membership on the Cimarron RAC as follows:

Jose Rosales - Public Water Supply 3 (expiration date – 2023)

Harrison Krey – Agriculture Industry (expiration date – 2023)

MEMO



DATE: April 8, 2020
TO: Kansas Water Authority
FROM: Bobbi Luttjohann
RE: Kansas Water Plan Update

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www.kwo.org

At the Kansas Water Authority (KWA) meeting in Goodland, KS on September 4, 2019, an overview of the process that had been initiated to update the Kansas Water Plan (KWP) and incorporate the Long-Term Vision for the Future of Water Supply in Kansas into the KWP was presented.

A portion of that discussion was focused on working with the Regional Advisory Committees (RACs) to update and develop new Regional Goals and Actions Plans, and incorporate these items into the KWP. As part of this update, public meetings were held in 12 of the 14 regions, beginning in October and continuing through March. Two additional public meetings in the Verdigris and the Kansas regions were scheduled in April, but were cancelled do to the COVID-19 situation. These regions will be continuing to receive comments online, and hopefully once public meeting restrictions are lifted, public meetings may be held in the two remaining regions.

As we progress through the year into 2021, the KWP will be updated using the following timeline:

April – May

- RACs working on their goal and action plan revisions
- KWO staff revising and updating KWP sections
- Meet with agencies to discuss KWP and collect feedback

June - August

- Update the KWA at the next meeting (feedback/revisions)
- Revised RAC goals and action plans due in August
- Drafting revised KWP with input from:
 - KWA
 - RACs
 - Agencies
 - Public

September - November

- Present a draft to the KWA in October (feedback/revisions)
- Present general information about update at the November Governor's Conference in Wichita

December:

- Final Draft KWP presented to the KWA (possible approval)
- Revise KWP based on recommendations (if not approved)
- Hold Public Hearing (if approved)

January 2021:

- Presentation of revised and final KWP to the KWA for approval
- Hold Public Hearing
- Post on the KWO webpage

Additional information on this process will be shared with the full KWA at future meetings.

This is for informational purposes only. No Kansas Water Authority action is necessary at this time.

MEMO



DATE: April 8, 2020
TO: Kansas Water Authority
FROM: Cara Hendricks
RE: Legislative & Budget Update

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Topeka, KS 66612
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Report on 2019 Special Committee on Agriculture and Natural Resources Recommendations

The Kansas Water Office (KWO) provided a report to the House Committee on Agriculture (March 10, 2020) and to the Senate Committee on Agriculture and Natural Resources (March 11, 2020) on two items our agency was tasked with per the recommendations of the 2019 Special Committee on Natural Resources. Those items, as provided in the Special Committee Report, are listed below:

- The State Water Plan include efforts to combat the build-up of sedimentation in Kansas reservoirs. The Kansas Water Office should provide information to the House Committee on Agriculture and the Senate Committee on Agriculture and Natural Resources regarding sedimentation, including the estimated timeline for clearing sedimentation to increase reservoir capacity and the associated costs. The sedimentation removal planning should include preventive activities such as streambank stabilization and prevention of field erosion.
- The Kansas Water Office should provide information to the House Committee on Agriculture and the Senate Committee on Agriculture and Natural Resources regarding Iowa's system for reporting flooding events and providing resources to affected citizens and landowners. Such information should include suggestions for how Kansas citizens can best access information on flood events as they occur.

The information related to each of these recommendations, as attached, was provided/presented to the Committees.

SWPF FY 2020 & FY 2021 Appropriations

On March 25, 2020, the Governor approved budget bill SB 66, which includes increases to both the State General Fund (SGF) and the Economic Development Initiatives Fund (EDIF) demand transfers to the State Water Plan Fund (SWPF) for FY 2021. The table provided on the following pages includes the FY 2020 and FY 2021 SWPF appropriations. As noted, the FY 2020 appropriation includes the addition of the Arbuckle Study (\$68,000) and Flood Response Study (\$100,000 from KWO Assessment & Evaluation Program).

RAC Informational Budget Webinar Preview/Discussion

The Kansas Water Office plans to host a RAC Informational Budget Webinar on April 17, 2020 at 1:30 PM. The primary purpose of the webinar is to provide additional SWPF budget information to the Regional Advisory Committees (RACs) in advance of the upcoming summer RAC meetings, at which time the FY 2022 SWPF budget recommendations will be discussed.

This is for informational purposes only. No Kansas Water Authority action is necessary at this time.

State Water Plan Fund: FY 2020 & FY 2021 Appropriations

EXPENDITURES	FY 2020 Appropriation*	FY2021 KWA Budget Recs	FY 2021 Appropriation
Department of Health and Environment			
Contamination Remediation	\$ 1,088,301	\$ 1,088,301	\$ 1,088,301
Nonpoint Source Program	\$ 365,880	\$ 303,208	\$ 303,208
TMDL Initiatives	\$ 290,871	\$ 280,738	\$ 280,738
Harmful Algae Bloom Pilot	\$ 893,130	\$ 450,000	\$ 450,000
Watershed Restoration/Protection (WRAPS)	\$ 840,898	\$ 730,884	\$ 730,884
Drinking Water Protection Program	\$ 350,000	\$ 500,000	\$ 350,000
SUBTOTAL--KDHE	\$ 3,829,080	\$ 3,353,131	\$ 3,203,131
Department of Agriculture			
Interstate Water Issues	\$ 584,172	\$ 490,007	\$ 490,007
Subbasin Water Resources Management	\$ 777,957	\$ 608,949	\$ 608,949
Water Use	\$ 142,778	\$ 72,600	\$ 72,600
Water Resources Cost Share	\$ 2,571,508	\$ 2,448,289	\$ 2,698,289
Nonpoint Source Pollution Asst.	\$ 2,299,045	\$ 1,857,836	\$ 1,857,836
Aid to Conservation Districts	\$ 2,192,637	\$ 2,192,637	\$ 2,342,637
Watershed Dam Construction	\$ 550,000	\$ 950,000	\$ 750,000
Water Quality Buffer Initiative	\$ 414,516	\$ 200,000	\$ 200,000
Riparian and Wetland Program	\$ 479,997	\$ 154,024	\$ 154,024
Water Transition Assistance Program/CREP	\$ 469,367	\$ 599,745	\$ 699,745
Irrigation Technology	\$ 132,540	\$ 200,000	\$ 100,000
Crop and Livestock Research	\$ 350,000	\$ 350,000	\$ 350,000
Streambank Stabilization	\$ 1,000,000	\$ 1,000,000	\$ 750,000
Real-Time Water Mgmt - Telemetry - SWRM		\$ 25,000	
Water Supply Restoration Program		\$ 465,000	
SUBTOTAL--KDA	\$ 11,964,517	\$ 11,614,087	\$ 11,074,087
Kansas Water Office			
Assessment and Evaluation	\$ 796,522	\$ 700,000	\$ 829,900
MOU - Storage Operations & Maintenance	\$ 410,000	\$ 480,100	\$ 480,100
Stream Gaging	\$ 423,130	\$ 423,130	\$ 423,130
Technical Assistance to Water Users	\$ 348,219	\$ 425,000	\$ 325,000
Vision Education Strategy	\$ 100,000	\$ 100,000	\$ 100,000
Reservoir and Water Quality Research	\$ 350,000	\$ 350,000	\$ 350,000
Water Tech Farms	\$ 75,000	\$ 75,000	\$ 75,000
Watershed Conservation Practice Imp	\$ 700,000	\$ 1,000,000	\$ 1,000,000
Equus Beds Chloride Plume Project	\$ 50,000	\$ 50,000	\$ 50,000
Milford Lake Watershed RCPP	\$ 200,000	\$ 200,000	\$ 200,000
Water Injection Dredging (WID)		\$ 660,000	\$ 660,000
Arbuckle Study	\$ 68,000	\$ 100,000	\$ -
Flood Response Study	\$ 100,000		\$ -
SUBTOTAL--KWO	\$ 3,620,871	\$ 4,563,230	\$ 4,493,130
University of Kansas--Geological Survey	\$ 26,841	\$ 26,841	\$ 26,841
State Employee Pay			
KPERS Reamortization			
Total State Water Plan Expenditures	\$ 19,441,309	\$ 19,557,289	\$ 18,797,189

REVENUE	FY 2020 Appropriation	FY 2021 KWA Recs	FY 2021 Appropriation
Beginning Balance	\$ 4,137,410	\$ 418,361	\$ 418,361
Transfers and Adjustments			
State General Fund Transfer	\$ 4,005,632	\$ 6,000,000	\$ 6,000,000
Economic Development Fund Transfer	\$ 500,000	\$ 2,000,000	\$ 913,325
Release of Prior Year Encumbrance			
Other Service Charges	\$ 51,482	\$ 51,482	\$ 51,482
Transfers to SGF - John Redmond Bond	\$ (1,260,426)	\$ (1,260,426)	\$ (1,260,426)
SUBTOTAL--Adjustments	\$ 3,296,688	\$ 6,791,056	\$ 5,704,381
Receipts			
Municipal Water Fees	\$ 3,208,301	\$ 3,305,836	\$ 3,305,836
Clean Drinking Water Fee Fund	\$ 2,710,279	\$ 2,800,000	\$ 2,800,000
Industrial Water Fees	\$ 950,983	\$ 930,000	\$ 930,000
Stock Water Fees	\$ 430,297	\$ 350,000	\$ 350,000
Pesticide Registration Fees	\$ 1,374,886	\$ 1,390,000	\$ 1,390,000
Fertilizer Registration Fees	\$ 3,584,360	\$ 3,638,611	\$ 3,638,611
Pollution Fines and Penalties	\$ 150,000	\$ 230,000	\$ 230,000
Sand Royalties	\$ 16,466	\$ 30,000	\$ 30,000
SUBTOTAL--Receipts	\$ 12,425,572	\$ 12,674,447	\$ 12,674,447
Total Available	\$ 19,859,670	\$ 19,883,864	\$ 18,797,189
Less: Expenditures	\$ 19,441,309	\$ 19,557,289	\$ 18,797,189
Ending Balance	\$ 418,361	\$ 326,575	\$ 0

*FY 2020 Appropriation includes addition of Arbuckle Study (KWO \$68,000) and Flood Response Study (KWO \$100,000 from KWO Assessment & Evaluation Program). Some items include 2019 carryover funds.

Special Committee on Natural Resources – Report, bullet three

Committee Recommendation:

- The State Water Plan includes efforts to combat the build-up of sedimentation in Kansas reservoirs. The Kansas Water Office should provide information to the House Committee on Agriculture and the Senate Committee on Agriculture and Natural Resources regarding **sedimentation**, including the **estimated timeline for clearing sedimentation to increase reservoir capacity and the associated costs**. The sedimentation removal planning should **include preventive activities such as streambank stabilization and prevention of field erosion**.

Clearing Sediment through Dredging

In 2016, dredging of 3,000,000 cubic yards (1,860 acre-feet) occurred at John Redmond Reservoir near Burlington, Kansas.

- The project was performed over a period of five months at a cost of \$20 million dollars.
- Dredge material was placed in confined disposal facilities (CDFs) near dredge site.
- The cost and dredge rate of this project serves as the starting point for the preliminary estimation of future potential dredging at Kansas reservoirs.

Cost, timeline, schedule of future dredging

The cost and timeline to remove all sediment from the State's 24 federal reservoirs was assessed based on the cost and rate of removal that occurred at John Redmond Reservoir.

- Over 600,000 acre-feet of storage has been lost in the State's federal reservoirs, with over a third of the loss occurring in Tuttle Creek Lake
 - Clearing of this sediment to original capacity would cost an estimated \$6.5 billion and would take three dredges about 50 years.

Cost and schedule for sustaining reservoir storage

The cost and schedule for sustaining reservoir storage was also estimated using a similar process.

- Approximately 12,000 acre-feet per year of storage will be lost at the 24 federal reservoirs in total
 - This amounts to an annual cost of \$130 million in dredge costs to maintain storage in all reservoirs.
 - Three dredges would be required to sustain storage volumes in the State's federal reservoirs, with one dredge stationed full-time at Tuttle Creek Lake.

Additional Methods of Sediment Removal

- Hydrosuction Dredging
 - This method uses the difference between reservoir and outlet water levels acting as a syphon to remove, transport and discharge sediment-laden water to the downstream channel.
- Water Injection Dredging (WID)
 - This method relies on sediment resuspension using high capacity pumps, creating a current of sediment-laden water (density current) which flows along the bottom of the reservoir to low level outlets.
 - A pilot project for WID has currently been proposed at Tuttle Creek Lake near Manhattan, Kansas.

Both of these options provide opportunities for reduced costs compared to conventional dredging by eliminating the need for CDFs and reducing pumping; however, they remain relatively untested and are dependent on site-specific conditions.

Current Steps to Reduce Sediment Entering Reservoirs

Streambank stabilization and practices to reduce field erosion have been completed in many areas upstream of major reservoirs.

- Reduce about 1,000 acre-feet per year or about 8.5% of the historic rate
- Almost 700 remaining sites upstream of the federal reservoirs have yet to be funded.
 - These could reduce the overall reservoir sedimentation by an additional 850 acre-feet per year.

Current Steps to Identify Storage Needs into the Future

Other projects also underway to address sedimentation and storage issues:

- Kansas River Reservoirs Flood and Sediment Study
 - A major focus of this comprehensive watershed study is to identify actions in the Kansas River Basin to extend the life of reservoirs, including reservoir sediment management.
- Kansas Water Office Bathymetry and Evaluation Program (BaSE)
 - Started in 2019 to increase the frequency of reservoir sediment surveys.
- Sediment monitoring through the U.S. Geological Survey
 - Helps gain a better understanding of the sediment entering and leaving the reservoirs.

Figure 1 below shows the decline of state-wide reservoir storage overlaid with the estimated timeline when basin storages will be insufficient, mostly due to reservoir sedimentation.

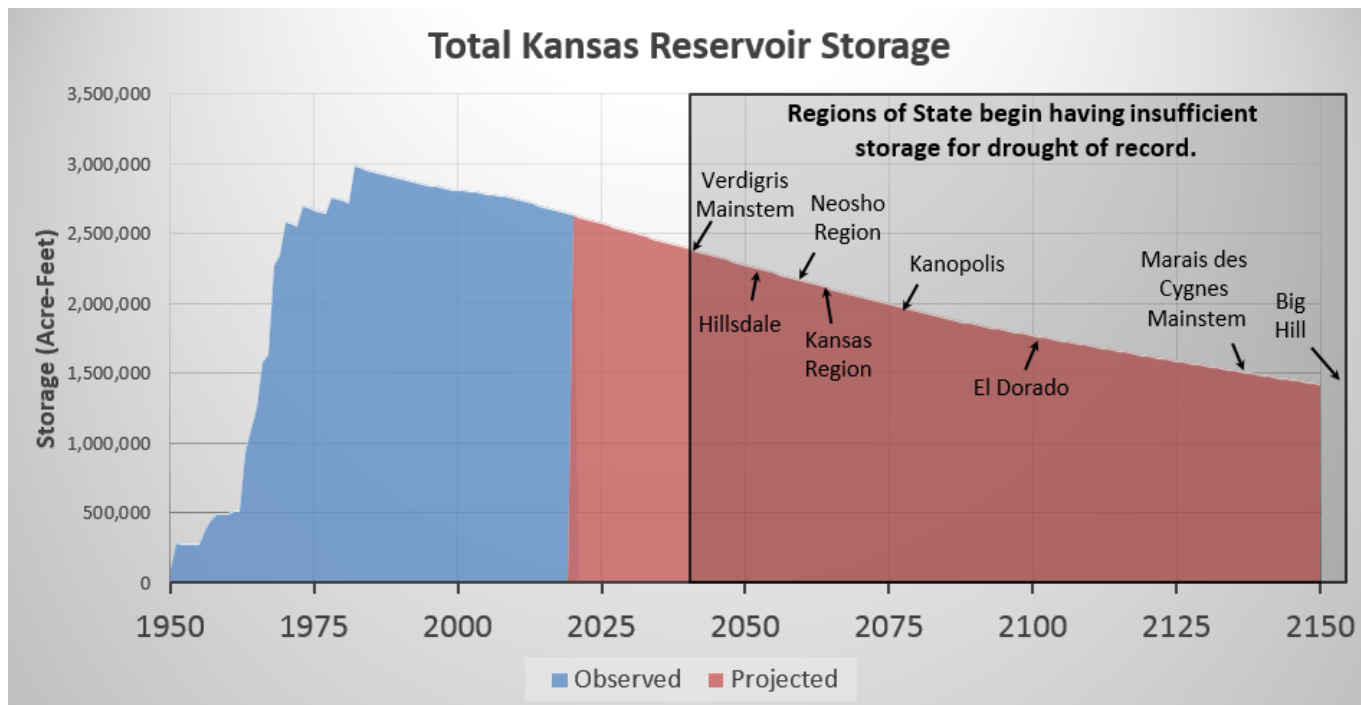


Figure 1: Projected Kansas reservoir capacity and insufficient storage.

Special Committee on Natural Resources – Report, bullet four

Committee Recommendation:

- The Kansas Water Office provide information to the House Committee on Agriculture and the Senate Committee on Agriculture and Natural Resources regarding **Iowa’s system for reporting flooding events and providing resources to affected citizens and landowners**. Such information should include suggestions for how Kansas citizens can best access information on flood events as they occur.

Iowa Flood Center (IFC)

Kansas Water Office (KWO) staff visited the Iowa Flood Center on January 7-8, 2020 to discuss the Iowa Flood Center’s history and operations.

- Center is located at the University of Iowa
- Founded in 2009 after record setting flooding in 2008, showing the need to establish an Iowa-based center for flood research and education

The Iowa Flood Center has achieved:

- Deployment of more than 250 stream-stage sensors to better monitor stream flow
- Development of 5,000 flood-inundation maps for 23 Iowa communities
- Flood hazard maps for 85 of Iowa’s 99 counties
- A strong workforce with knowledge of flood research, prediction, and mitigation for the state of Iowa

The IFC places information and technology into the hands of Iowa’s decision makers, emergency managers, home and business-owners, and the general public. Their work is publicly accessible through their online Iowa Flood Information System (IFIS) Iowa Flood Information System (<http://ifis.iowafloodcenter.org/ifis/en/app/>) which serves as a one-stop web-platform to access community-based flood conditions, forecasts, visualizations, inundation maps and flood-related information, and applications.

Federal Funding

Since inception, IFC-leveraged projects have brought more than \$123 million of funding from external sources to the state of Iowa. The IFC is currently funded at \$1.2 million per year.

Funding entities include:

- National Science Foundation
- NASA
- U.S. Department of Housing and Urban Development
- Iowa Department of Natural Resources
- Iowa Department of Transportation

Gaps Identified within Kansas

The 2019 flooding identified gaps and shortfalls within Kansas. Below outlines items that Kansas could model after Iowa, along with steps already taken (if possible) by Kansas

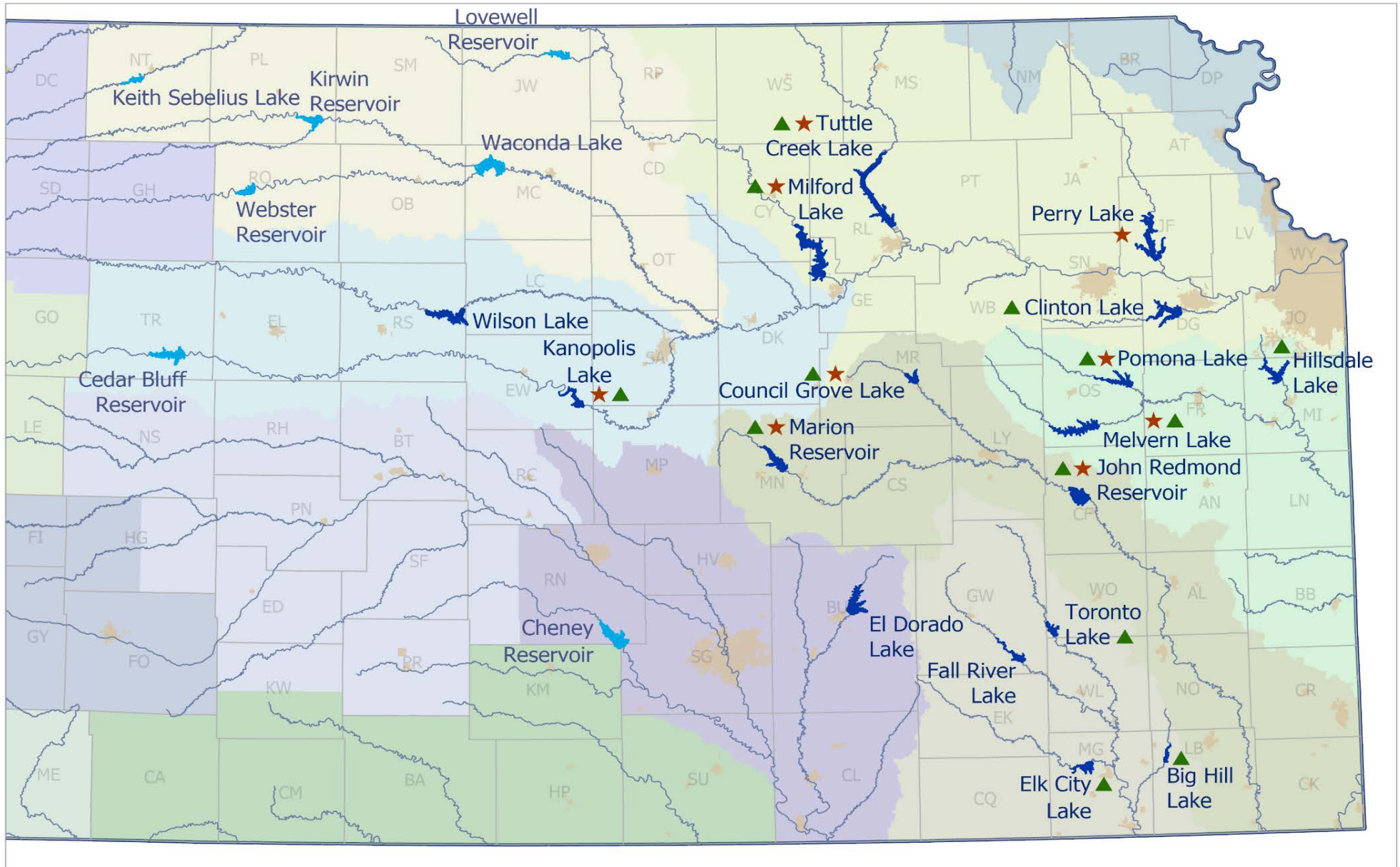
- Sensor/gage network
 - Need for deployment of additional stream gages to better monitor stream flow

- The National Weather Service has identified 65 locations in KS where gaps in current gage information exist
- Modeling new locations after Iowa would be a cost-efficient way to increase flooding awareness
- Development of flood-inundation mapping
 - Recently, KWO and the Kansas Division of Emergency Management contracted for the development and purchase of a flood-inundation mapping tool, which is currently under development.
 - Creating additional tools to work with the inundation mapping would offer additional awareness for communities
- Real-time flood information for state agencies, local emergency managers, and officials, as well as the general public during a flood event
- Central reporting process to estimate and report impacts of each flood event once completed
 - Currently, there is no complete compilation of flood statistics, exists in multiple state, local, and Federal agencies.
 - More awareness in possibilities of leveraging federal funding to further state and local dollars

Ongoing Kansas Water Office Efforts

- Basin-by-basin evaluation to determine:
 - Where flooding is occurring
 - What damage has occurred as a result of flooding
 - Possible actions that could be taken to prevent or provide remediation for flooding
- Leverage state funding
- Continue to develop partnership with other state and federal agencies to determine long-term strategy for flood risk study and response

Federal Reservoirs in Kansas



Cities
 Assurance / Access District
 Marketing
 U.S. Bureau of Reclamation
 U.S. Army Corps of Engineers

January 2020
Kansas Water Office

MEMO



DATE: April 8, 2020
TO: Kansas Water Authority
FROM: Matt Unruh
RE: Federal Update

900 SW Jackson Street, Suite 404
Topeka, KS 66612
Phone: (785) 296-3185
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National Environmental Policy Act (NEPA) Proposed Rule Status

On March 9, the Kansas Water Authority met via conference call/webinar and took action to submit comments on the Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act. It was discussed during this conference call/webinar that if an extension were to be granted as was requested through action taken by the KWA at the January 2020 meeting, that more detailed comments could be submitted after additional discussion by the full KWA. An extension ultimately was not granted and the draft letter which was approved with comments discussed during the March 9 conference call/webinar was submitted prior to the comment submittal deadline. The KWA NEPA comment letter is included within these meeting materials and can be found currently as well at https://kwo.ks.gov/docs/default-source/kwa-meeting-materials/2020-kwa-meeting-materials/kwa_comments_nepa.pdf?sfvrsn=c5948214_0. Information will be shared with the KWA in the future as new updates become known regarding the status of this proposed rulemaking.

Withdrawal of Water Supply Rule

On March 23, the U.S. Army Corps of Engineers notice to withdraw the “Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply” (commonly referred to as the Water Supply Rule) was published in the Federal Register. The Water Supply Rule, originally proposed by the Corps on December 16, 2016, was intended to clarify agency policy on reservoirs. However, after states and other entities expressed concerns that the policy overturned states authority, The Corps announced earlier this year that the proposed rule would be withdrawn. This withdrawal notice can be found online in the Federal Register at <https://www.federalregister.gov/documents/2020/03/23/2020-05919/use-of-us-army-corps-of-engineers-reservoir-projects-for-domestic-municipal-and-industrial-water>.

No action is needed at this time. Information is provided for discussion purposes only.

March 10, 2020

Mary B. Neumayr, Chair
Council on Environmental Quality
730 Jackson Place, N.W.
Washington, DC 20503

Edward Boling, Associate Director for the National Environmental Policy Act
Council on Environmental Quality
730 Jackson Place, N.W.
Washington, DC 20503

Re: Council on Environmental Quality's (CEQ) Notice of Proposed Rulemaking *Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (Docket ID No. CEQ-2019-0003)

Dear Council on Environmental Quality:

The Kansas Water Authority (KWA) appreciates the opportunity to comment on the Council on Environmental Quality's Notice of Proposed Rulemaking Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA). Established in 1981 by the Kansas Legislature, the KWA is responsible for advising the Governor, Legislature and Director of the Kansas Water Office on water policy issues and for approving the Kansas Water Plan, federal contracts, administration regulations and proposed legislation.

In regards to the *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act*, the Kansas Water Authority respectfully submits the following comments for consideration:

Opportunity to comment

The KWA recognizes that the opportunity for the general public, agencies, groups and organizations to comment on water and natural resource planning efforts within Kansas, as well as nationwide, is key to determining how the public at large would be served by a particular project, policy or rule. An open and non-restrictive public comment period also adds legitimacy to any decision-making, a meaningful opportunity to respond to potential issues that are revealed during a comment period, and a mechanism to determine the level of resistance or acceptance on a given issue.

Transparency and participation

The KWA is supportive of a public comment structure that does not significantly restrict the current timeframe, duration, or eligibility of commenters in the NEPA process and related proceedings. Retaining maximum transparency and opportunity for meaningful participation by

commenters ensures comprehensive and accurate review based on useful and current information which is documented and acknowledged prior to making a record of decision on a given proposal.


Consideration of cumulative and long-term environmental impacts

The KWA respectfully urges reconsideration of the proposed procedural changes of NEPA which would remove cumulative and long-term environmental impacts from the criteria triggering an Environmental Impact Statement (EIS), as well other steps associated with the current NEPA process. In Kansas, long-term impacts must frequently be considered when evaluating current and potential future water infrastructure, including reservoir water supply and flood control operations, groundwater quality, and aquifer depletion. The KWA recommends that evaluation of cumulative and long-term impacts associated with projects continue to be integral to the NEPA process.

The KWA recognizes the desirability of more predictable and expeditious project planning timelines for capital development projects necessary for water delivery and/or treatment. To the extent that the proposed regulatory changes address that issue without compromising the concerns listed above, the KWA is generally supportive of measures to avoid undue delay in the overall process.

Thank you for your consideration of our comments and please feel free to contact me at Connie.Owen.KWA@kwo.ks.gov should you or members of your staff have any questions or informational needs regarding the above-mentioned feedback provided on behalf of the Kansas Water Authority.

Sincerely,

A handwritten signature in black ink that reads "Connie Owen". The signature is fluid and cursive, with the first name "Connie" and the last name "Owen" clearly distinguishable.

Connie Owen
Chair, Kansas Water Authority

MEMO



DATE: April 8, 2020
TO: Kansas Water Authority
FROM: Josh Olson
RE: Federal Cooperative Agreements – Streamgaging,
Kansas River Water Quality Monitoring, Neosho
River Sediment Monitoring, Monitoring on Kansas
River Below Tuttle Creek Lake, Monitoring on
Republican River at Clay Center above Milford Lake
(USGS)

900 SW Jackson Street, Suite 404
Topeka, KS 66612
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There are five potential agreements between the KWO and U.S. Geological Survey (USGS) for review and consideration by the Kansas Water Authority (KWA). Approval by the KWA, under KSA 74-2622, is required before the Kansas Water Office (KWO) enters into agreements with the federal government. The proposed agreements below do not require immediate action, but the information is provided in anticipation of future action at an upcoming KWA meeting.

Streamgaging Network (USGS)

The USGS, in cooperation with the KWO and other cooperators, maintains streamgages across the state. Under this Joint Funding Agreement (JFA), funding for the streamgaging program will be provided for FY 2021. Streamgages provide near real-time information about stream and river conditions. This information is used daily by numerous local, state and federal agencies and research entities to plan, protect and conserve water resources.

The non-federal contribution to cover the part of costs necessary to continue operations in FY 2021 is expected to total approximately \$414,000 from the SWPF. As a portion of the administration and enforcement costs to the public water supply program, Water Assurance Districts pay for the streamgages that monitor flow in the Assurance Districts, and Water Marketing will pay for streamgages that monitor flow within marketing customer areas. These equal two gages per WAD and Marketing Program. Final agreement will be determined after further discussions with USGS.

Kansas River Water Quality Monitoring (USGS)

Through a Joint Funding Agreement, the USGS, KWO, KDHE, and the Nature Conservancy, along with the cities of Manhattan, Topeka, Olathe, and Water District No. 1 of Johnson County have been participating in the Water Quality Monitoring agreement to characterize the sources, frequency and causes of cyanobacteria and associated toxins and taste-and-odor compounds in the Kansas River. Previous contracts have included the operation of water-quality monitors on the Kansas River at De Soto, Wamego, and Topeka, routine sample collection at these 3 sites over a range of hydrologic conditions, event-based sample collection at reservoir outflows, and development of statistical relationships between collected samples and sensor values. This cooperative study is also evaluating the opportunity for an advanced notification system with sufficient lead time to alert water suppliers that use the Kansas River as a source of water supply of changing water quality conditions that may affect treatment processes or cause cyanobacteria-related toxin and taste-and-odor events.

The final scope and agreement for this year's monitoring will be determined after further discussions with the overall group and USGS.

Neosho River Sediment Monitoring (USGS)

Through a Joint Funding Agreement, the KWO and USGS will include continued operation of up to three water quality monitors and suspended sediment sampling at Plymouth, Burlingame Road, and Neosho Rapids. The sites are used to

evaluate the efficacy of streambank stabilization efforts on the Upper Neosho and Cottonwood rivers as well as the overall sediment load entering John Redmond Reservoir.

The proposal is still being scoped, and the non-federal contribution to cover the cost of the necessary field and analytical work directly related to this program is not expected to exceed approximately \$85,000 from the KWO in FY 2021.

Continuous and Discrete Water-Quality Monitoring on Big Blue River below Tuttle Creek Lake (USGS)

Through a Joint Funding Agreement, the KWO and USGS will collect water-quality and sediment data at the established streamflow station on the Big Blue River near Manhattan, Kansas, approximately 2.5 river miles downstream of the Tuttle Creek Lake outflow. The Tuttle Creek Lake Water Injection Dredging (WID) demonstration project, as proposed by the Corps of Engineers to increase reservoir storage, may affect downstream turbidity and suspended-sediment concentrations as disturbed bottom sediment is displaced and exits the reservoir. The purpose of the monitoring to be performed through this agreement is to provide an understanding of baseline turbidity and water quality conditions downstream of the lake, and to evaluate changes in water quality and suspended sediment concentrations caused by water-injection dredging activities.

The proposed agreement is for a multi-year study. For Year 3 (SFY 21), the following major tasks are proposed:

- Operate and maintain a water-quality station at the USGS streamflow station on Big Blue River near Manhattan, Kansas, to measure temperature, specific conductance, turbidity, and dissolved oxygen
- Collect, process and review monthly sediment, total and dissolved organic carbon, and nutrient samples at Big Blue River below Tuttle Creek Lake

The proposal is still being finalized. The estimated non-federal contribution to cover the Year 3 (FY 2021) scope totals approximately \$62,000 from the KWO.

Continuous and Discrete Water-Quality Monitoring on Republican River at Clay Center (USGS)

Through a Joint Funding Agreement, the KWO and USGS will collect water-quality, nutrient, and sediment data at the established streamflow station on the Republican River at Clay Center, Kansas. This data will provide an understanding of baseline suspended-sediment, nutrient, and water-quality conditions on the Republican River at Clay Center, the primary inflow into Milford Lake and closest streamgaging site not to experience backwater conditions from the lake. This will allow for better understanding of sediment and nutrient concentrations, and characterization of water-quality conditions entering Milford Lake. This agreement helps to expand the monitoring network currently supported by the USGS, KWO, KDHE and communities along the Kansas River as part of the overall Kansas River Water Quality Monitoring study, and also supports monitoring efforts associated with the Milford RCPP project.

The proposed agreement is for a multi-year study. For Year 3 (SFY 21), the following major tasks are proposed:

- Operate and maintain a water-quality station at existing USGS streamflow station at Clay Center to measure temperature, specific conductance, pH, dissolved oxygen, and turbidity
- Collect, process and review biweekly (May – Oct) and monthly (Nov – Apr) sediment and nutrient samples (18 total) on the Republican River at Clay Center

The proposal is still being finalized. The estimated non-federal contribution to cover the cost of the necessary field and analytical work directly related to this program is approximately \$85,000 from the KWO in FY 2021.

No action is needed at this time. Information is provided for discussion purposes only.
