

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" written in a larger, more prominent script than the last name "Owen".

Connie Owen
Chair, Kansas Water Authority