

## *Earl Lewis in the News*



Earl Lewis

What a difference a week makes. At this time last week, I was looking forward to a day at the Big XII tournament and wondering how the NCAA tournament bracket would look. Of course all of those things and many others are cancelled or delayed for the foreseeable future. We have taken what we believe is appropriate action to do our part to slow down the spread of the virus by cancelling meetings and travel.

But amid all of the craziness, I think this is a good opportunity to focus on what is really important in our world. As I visited the grocery store this week and saw people wheeling out cases of bottled water and empty shelves where bread and meat normally are, I'm reminded that what each of you do each and every day is truly

important. I'm amazed by the people stockpiling bottled water when those of you who work in public water supply roles make sure the water that comes out of the tap 24/7 is safe and healthy to drink. With planting season about to start, our farmers are going to make sure we have an abundant supply of food for months and years to come. We should be thankful for our health care workers, and those working hard to maintain our supply chain right now. But we should also recognize the valuable contribution each of you make.

I would also ask that each of you use this time to think about the things that we in the water world collectively need to continue to improve on to make sure the reliability and stability we have today continues for years to come. Thanks to each of you for your work and dedication. Stay healthy and positive, and I look forward to seeing you once things get back to normal.

## Legislative Update

The KWA Legislative Day is the day before the January meeting which involves KWA visiting members and RAC chairs. On January 28, participants met with members of the Kansas Senate and House to discuss current water resource issues impacting Kansas as well as funding request priorities for the upcoming state fiscal year. Among the items discussed during the visits was the KWA recommendation of the full \$8 million SGF/EDIF demand transfer. KWA Chair Connie Owen also testified before three committees and met with Lt. Governor Lynn Rogers as well as Senate President Susan Wagle.

Progress continued to be made in committee during the session on full funding of the State Water Plan Fund, with the Senate adopting the additions of Tuttle Creek WID, watershed conservation practice implementation, water resources cost share, assessment & evaluation within KWO, WTAP/CREP, and Haysville-area water table lowering. The house adopted an addition of Aid to Conservation Districts as well as increasing the SGF transfer to \$5 million and the EDIF transfer to the full \$2 million. As of this time and due to the constantly changing coronavirus situation, the legislature is cur-

rently working quickly to finish up and approve a state budget. Bills passed out of both the House and Senate, with differences between the two bills negotiated in Conference Committee the morning of March 18 and finished up later in the day. For completion of the legislative process the House and Senate will vote to adopt a Conference Committee Report and upon approval, a budget bill will be sent to the Governor for signature. For more details on the funding additions to the State Water Plan Fund please see the table on page 3.



## Federal Update

### **National Environmental Policy Act (NEPA) Update:**

On January 9, 2020, the Council on Environmental Quality (CEQ) announced a notice of proposed rule-making (NPRM) titled “Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act.” in an effort to update and modernize its National Environmental Policy Act (NEPA) regulations for the first time in over 40 years. CEQ’s proposed rule would modernize and clarify the CEQ regulations to facilitate more efficient, effective, and timely NEPA reviews by simplifying and clarifying regulatory requirements, incorporating key elements of the One Federal Decision policy, codifying certain case law and CEQ guidance, updating the regulations to reflect current technologies and agency practices, eliminating obsolete provisions, and improving the format and readability of the regulations. The comment period for this proposed rule-making ended March 10, with the KWA taking action to provide comments during this period on a conference call which took place on March 9. This KWA NEPA comment letter can be found on <https://kwo.ks.gov/about-the-kwo/kansas-water-authority> under Previous KWA Meeting Materials.

### **Water Supply Rule:**

On January 21, 2020, Assistant Secretary of the Army for Civil Works R. D. James directed the U.S. Army Corps of Engineers (Corp) to withdraw the “Use of U.S. Army

Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply,” also known as the Water Supply Rule. In 2016, the Department of the Army Civil Works issued a notice of proposed rule-making for the Water Supply Rule that sought to clarify the Corps’ policies governing the use of its reservoir projects for domestic, municipal and industrial water supply by defining key terms under the Flood Control Act of 1944 and the Water Supply Act of 1958 in order to account for court decisions, legislative provisions and other developments related to the exercise of these authorities. However, due to several issues raised by states, tribes and other stakeholders concerning inconsistent pricing methodologies, reallocation approval levels, agreement approval levels, and difficulty getting real estate instruments, James instructed the Corps in September 2019 that the Army would refrain from issuing a final rule for a minimum of six months in order to allow for additional coordination with states, tribes and other stakeholders.

Upon withdrawal of the Water Supply Rule, the Army of Civil Works will consider how best to address water supply issues in order to address stakeholder concerns by simplifying, clarifying and streamlining provisions and processes to achieve better consistency and address long-standing policy issues.

## Winter Water Technology Expo

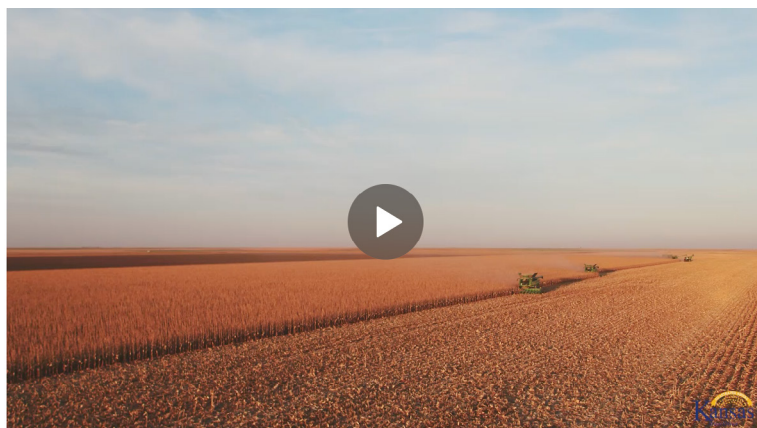
The third annual Winter Water Technology Expo was in Garden City on January 9. More than 200 farmers and ranchers to interact with more than 30 vendors attended the expo to learn more about improving their bottom line through water management tools, soil moisture monitoring, crop selection and other technologies.

The Kansas Water Office Water Technology Farm producers were present to share their personal testimonies and experiences with the different technologies and saving water while continuing to maintain yields and in many cases increase profitability.

Kevin Igli, Tyson Vice President for Sustainability was a guest speaker during the expo and attendees were eligible for more than 20 prizes valued at more than \$38,000 given throughout the evening!! Rain-fall demonstrations were featured as well as live music, a golf simulator, food and drink. Stephen Lauer provided the kick off presentation sharing his research on ‘Conserving Ogallala Communities

Through Voluntary, Group Efforts to Manage groundwater’.

The Expo wouldn’t be possible without our partners and very generous sponsors including Kansas Department of Agriculture, BASF, Ceres Imaging, Conestoga Energy Partners, LLC, Hy-Plains Feedyard, Samy’s Spirits & Steakhouse, Sterling Seed and Zimmatic by Lindsay. Check out the promotional video below just for the





# Equus Beds Chloride Plume

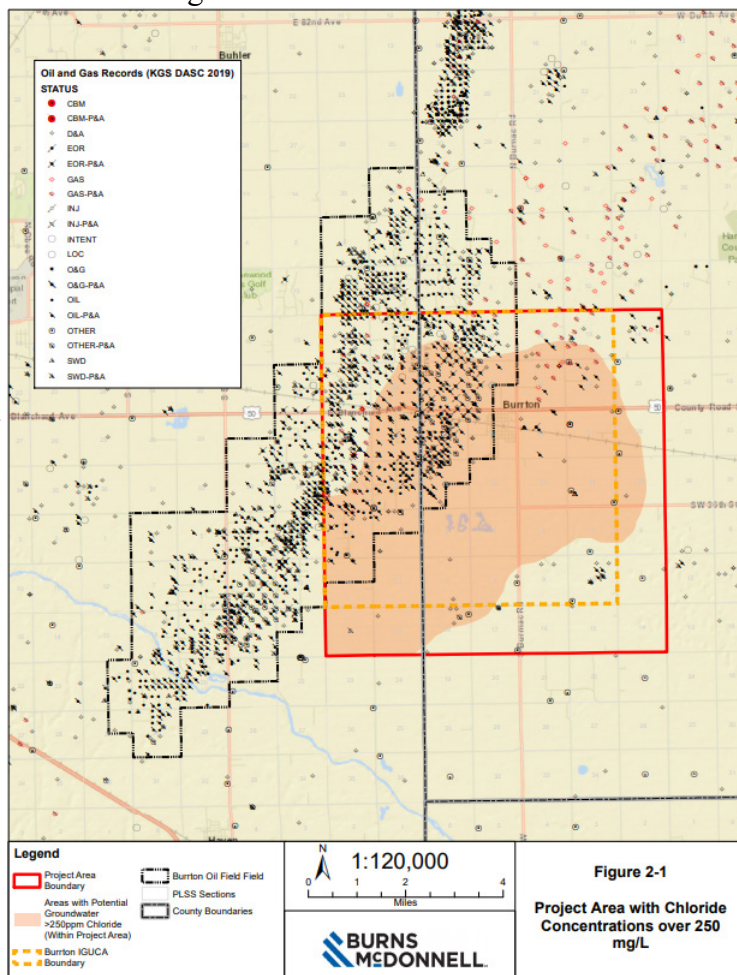
Groundwater in the vicinity of Burrton, Kansas continues to be impacted by elevated chloride concentrations, primarily caused by historic oil field operations in the region dating back to the 1930s. The plume of high chloride groundwater is expanding and migrating southeast in the Equus Beds Aquifer, threatening to impact a larger area of the aquifer which is used for municipal, industrial, and agricultural water supplies.

The Kansas Water Office (KWO), with the assistance of the Kansas Department of Health and Environment (KDHE) Bureau of Environmental Remediation, worked with Burns & McDonnell in 2019 to evaluate remediation options within the Burrton chloride plume.

On November 14, 2019, a draft report was presented to KWO and KDHE to demonstrate site selection methodology and remediation options for one of the four contamination sites. The final report includes this information for all four sites, and demonstrates the most cost-effective way to utilize contaminated groundwater in the region, while protecting existing freshwater resources. The contract officially closed January 31, 2020. The final report is now publicly available on KWO's project page.

The state's investment in this study has given regional water users and managers a document that explains how to address the contamination issue with current cost estimates, and vetted technologies.

Continued funding for this project will allow alternative scenarios to be considered that may bring down costs. This includes minor changes such as selecting alternative treatment sites to major changes like evaluating new treatment technologies. We must continue to engage local stakeholders and encourage cooperation among users of this valuable water resource.



## SGF/EDIF Transfer Restoration Progress - 2020 Legislative Session

Project	SFY 2020 Appropriation	SFY 2021 Appropriation	FY2021 Increase
KDA Water Resources Cost Share	\$2,448,289	\$2,698,289	\$250,000
KDA Aid to Conservation Districts	\$2,192,637	\$2,342,637	\$150,000
KDA Watershed Dam Construction	\$550,000	\$750,000	\$200,000
KDA Water Transition Assistance Program/CREP	\$302,046	\$699,745	\$397,699
KDA Streambank Stabilization	\$500,000	\$750,000	\$250,000
KWO Assessment and Evaluation	\$700,000	\$829,900	\$129,900
KWO Watershed Conservation Practice Implementation	\$700,000	\$1,000,000	\$300,000
KWO Water Injection Dredging (WID)	\$0	\$660,000	\$660,000
KWO Arbuckle Study*	\$68,000	N/A	\$0
KWO Flood Study*	\$100,000	N/A	\$0

\*Arbuckle Study is in response to Gov. Kelly's action in November 2019 requesting a group be convened to study the best course of action for studying the Arbuckle formation. Flood Study is in response to recommendations made by the 2019 Committee on Natural Resources which met to review 2019 flooding events in Kansas.





# THE WATERFRONT CALENDAR

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

- ~~19- Kansas Water Day, Topeka KS~~
- ~~29- Kansas Water Authority Meeting, Topeka, KS~~
- ~~31- Marais Des Cygnes Regional Advisory Committee Meeting, Ottawa, KS~~

## April

- ~~1- Kansas Water Plan Public Input Meeting, Kansas Region, Topeka, KS~~
- ~~2- Cover Crop Field Day, Circle C Farms, Healy, KS~~
- ~~3- Marais Des Cygnes Regional Advisory Committee Meeting, Ottawa, KS~~
- ~~3- Missouri Regional Advisory Committee Meeting, Atchison, KS~~
- ~~3- Neosho Regional Advisory Committee Meeting, Strong City, KS~~
- ~~14- Kansas Water Authority Meeting, Hutchinson, KS~~

Via confrence call/webinar

# SAVE — THE — DATE

## GOVERNOR'S CONFERENCE ON THE FUTURE OF WATER IN KANSAS | 2020



HYATT REGENCY, 400 W WATERMAN ST, WICHITA, KS 67202



NOVEMBER 9 & 10, 2020