

Kansas-Lower Republican Basin Advisory Committee
March 7, 2006
Manhattan, Kansas

Meeting Notes

Attendance:

Basin Advisory Committee Members Present

Carl Nuzman (Chair), Chris Stewart, Kent Weatherby, Joel Davidson, Larry Shannon, Dan Howell, Eileen Jackson, *Chris Mammoliti

Basin Advisory Committee Members Absent

Bill Ramsey, Arnold Ross, Shane Munsch

Others in Attendance

Jessica Caylor (KCGA-KGSPA), Laura Calwell (Friends of the Kaw), Bobbi Wendt (KDA/DWR), Scott Schwinn (Republic County), John Bond (KAWS) Kent Askren (KFB), Thad Rhodes (KFS), John Piskac (NRCS), Richard Moppin (Leavenworth County Health Department), Beth Rowland (KDHE) Andy Ziegler (USGS), Patrick Rasmussen (USGS), Susan Metzger (KWO), Kerry Wedel (KWO), Bob McDaneld (KWO)

Welcome and Introductions: Kent Askren (KFB) welcomed the KLR Basin Advisory Committee and guests to the Kansas Farm Bureau. Mr. Askren noted the Kansas Farm Bureau was active in all 105 counties and was very interested in protecting Kansas water resources. Carl Nuzman (Chair) thanked Mr. Askren and the Kansas Farm Bureau for providing the meeting room and hospitality. BAC members and guests provided self-introductions.

Review of January Meeting Notes: The notes of the January 24th meeting were approved as mailed.

Agency Advisor Reports: A number of agency advisors made reports to the committee. Thad Rhodes (KFS) noted that tree orders for spring plantings were coming in at a rapid rate and that the Kansas Forest Service was cooperating with NRCS projects to restore riparian areas. John Piskac (NRCS) reported that applications for water resource projects were up significantly and that more money for the KLR Basin might be available from other states.

Bobbi Wendt (KDA/DWR) reported on the status of dam safety bills and a pilot telemetry program with water right holders on the Republican River. The goal of the program is to reduce the need for owner and staff time to physically measure water use at meters.

Laura Calwell (Friends of the Kaw) announced there would be a cleanup of tires on a sand bar in the Kansas River near Linwood. She noted that the next cleanup project would be discarded battery cases at a site near Manhattan.

John Bond (KAWS) reviewed chapter activities in the basin. He noted a large number of stream stabilization projects in the Big and Little Blue Rivers. Mr. Bond also reviewed WRAPS projects above Tuttle Creek, Perry and Clinton Reservoirs. He said that KAWS was working closely with K-State on selected WRAPS projects.

Kerry Wedel (KWO) reported on the 2006 legislative session. He noted that most of the Governor's budget recommendations for water resource agencies were still intact and reviewed bills concerned with small dam safety. Mr. Wedel noted that the state was working with the Corps of Engineers to get credit for state expenses tied to federal reservoirs. A continuing resolution on this issue was introduced by Rep. Sloan.

Kent Weatherby asked if the KWO had developed a plan for how state expenses on reservoirs could reduce our debt to the Corps of Engineers. He asked which expenses the state bears could be included. Mr. Weatherby noted the KWO could be embarrassed if no plan existed.

Mr. Wedel noted that it was Rep. Sloan, not the KWO, who had proposed the resolution. Susan Metzger said the KWO does a plan that looks at a number of ways to improve the financial health of the Water Marketing Program.

Beth Rowlands (KDHE) commented on a remediation report which was published by KDHE and distributed at the meeting. She described how the state assumes responsibility for "orphan" sites.

Public Comment: There was no public comment

Water Conservation Policy Preliminary Draft: Susan Metzger (KWO) reviewed the second preliminary draft of the Water Conservation Policy with the committee. Ms. Metzger explained the planning process, reviewed the recommendations in the draft and responded to questions from the committee.

John Bond asked for the funding source for technical assistance to develop Conservation Plans. Ms. Metzger responded that funding was from the State Water Plan Fund. Mr. Nuzman asked how the KWO was dealing with excessive water use by communities. Ms. Metzger referred to the KWO contract with the KRWA. Ms. Jackson asked why only smaller communities were targeted. Ms. Metzger noted the relative cost of the unaccounted for water to small systems.

Mr. Weatherby asked if all those who were required to have Conservation Plans had developed them. Ms. Metzger reviewed the categories of water users who were required to have plans. Mr. Weatherby asked who would provide technical assistance under the new proposal. Ms. Metzger said the KWO would provide training to more individuals. Mr. Weatherby said that Conservation Plans should be mandatory if the state wanted real participation.

Scott Schwinn (Pottawatomie County LEP) asked why the state was afraid to make laws that worked. He noted that DWR did little enforcement of laws against overpumping. Ms. Metzger noted that regulations and restricts have not been popular and that too much of DWR staff time has been spent enforcing regulations. Chris Mammoliti asked where the KWO would focus the need for voluntary compliance. Ms. Metzger responded the focus would be in those areas where the supply is not adequate to meet the demand and those areas where the KWO was developing a Regional Public Water Supply Strategy. Mr. Mammoliti noted that the demand for water was not simply a human demand, that fish and wildlife also needed water to survive.

Ms. Metzger reviewed the work being done by DWR on in stream flow on the Verdigris and Neosho Rivers. Mr. McDanel provided additional information on the development of Regional Public Water Supply Strategies. Mr. Weatherby said the KWO needs a broad perspective on assuring adequate public water supplies. He explained how the purchase of storage in Hillsdale Reservoir placed a huge burden on the financial stability of the Water Marketing Program. Mr. Weatherby noted that public water suppliers in the Marais des Cygnes Basin should be looking at multiple options for obtaining water, including the purchase of finished water from WaterOne.

Ms. Metzger explained the operation of the Water Marketing and Water Assurance Programs. Mr. Weatherby clarified ownership of storage by assurance districts. Mr. Weatherby provided a brief history of how the Water Marketing and Assurance District Programs had been created. He noted that everyone, including himself, had believed Hillsdale storage was far too expensive to add to the program, but the Legislature had approved the purchase. Mr. Weatherby noted that the flat rate for the initial contracts made it impossible for the program to maintain viability. He suggested the state should face the fact the purchase of Hillsdale storage was a bad decision.

After additional committee discussion, Mr. Weatherby said the KWO can't put the cost of Hillsdale storage on the back of other water marketing customers. Mr. Nuzman asked if there were other options. Mr. Weatherby discussed other mechanisms that could be used and said the KWO should explore all options.

BAC Structure Proposal: Mr. Wedel reviewed proposed changes in the structure of Basin Advisory Committees which had been outlined in a memo from Tracy Streeter included in the mailing. He reviewed the 20 year history of Basin Advisory Committees, noted the creation of the Natural Resources Sub-Cabinet by Governor Sebelius and changes in inter-agency coordination of Water Plan Implementation. Mr. Wedel noted that the BACs would

continue to have a role in policy issues, but would also have some involvement in implementation.

Mr. Wedel reviewed the components of Mr. Streeter's memo (sent with the mailing) with the committee. He noted each proposed change and the rationale for making that change and said that now was the time for the committee to comment. Following his presentation, Mr. Nuzman opened the discussion by asking about the proposed change in number of committee members.

Mr. Wedel said that some BACs were having difficulty in maintaining eleven members and this change would allow those committees to reduce the number of members to nine. Mr. Nuzman noted that this was primarily a Western Kansas issue. Mr. Weatherby asked if those western BACs would be able to fill the core categories.

Mr. Nuzman asked why conservation districts had become a core category. Mr. Mammoliti suggested this category duplicated the agricultural category. Mr. Weatherby noted that some core categories would be hard to fill in some basins and asked for the rationale in requiring a hard to fill category. He also asked how industrial was defined and said that some livestock operations could fit the industrial category.

Mr. Howell reviewed the organization and operation of the conservation district in his county. He asked for clarification of who could fit this new category. Mr. Wedel noted this had not been determined. Ms. Jackson asked how the revised categories had been determined. Mr. Wedel provided the KWO's rationale. Mr. Nuzman asked that conservation districts be eliminated as a category. Mr. Piskac noted that some conservation districts had urban interests.

Mr. Mammoliti said he did not like splitting the fish, wildlife and recreation category into two new categories: recreation and environment. He noted that it would be difficult to determine who was qualified for the environment category. Mr. Bond agreed with Mr. Mammoliti. Mr. Nuzman noted that this category could be difficult to fill in Western Kansas basins.

The committee took a lunch break from 11:45 a.m. until 12:30 p.m.

Following lunch, Mr. Nuzman brought the meeting back to order. Mr. Weatherby said that the BAC should have the flexibility to determine what categories were necessary. Mr. Nuzman noted that both the conservation district and environment categories should be reconsidered. Mr. Weatherby noted that BACs needed to represent a diversity of opinion; he requested a rationale for limiting membership to eleven.

Ms. Jackson said the BAC needed members who really cared, regardless of what category they filled. It was important that members actually attend meeting. Mr. Howell talked about how Mr. Mammoliti had been selected and how the BAC had filled the position with an applicant who had credentials and interests needed by the committee.

Mr. Nuzman asked additional questions about the conservation district category. Mr. Wedel noted that criteria which would answer Mr. Nuzman's questions had not been established. Mr. Howell noted that every BAC included a number of conservation districts. He wondered how the BAC would determine which district would make nominations. Mr. Nuzman said the committee should have considerable flexibility in determining categories and filling positions.

There was considerable committee discussion on the need to let the BACs make their own decisions. Mr. Nuzman suggested the current system is far better than the KWO proposal. Mr. Weatherby noted that the value of an advisory committee is its independence. He noted that if the KWA selects the Chair, the KWA and the KWO will get the advice they want to hear, not the advice they need. If this step is taken, you might as well abolish the BACs. Mr. Weatherby said this is absolutely the wrong direction; the committee should pick its own Chair. Mr. Weatherby and Mr. Nuzman noted the KLR BAC had a long history of strength and independence and needed to stay that way. There was considerable committee discussion about the role of the Chair and how that position should be selected.

Mr. Nuzman asked Mr. McDanel to draft a message to the Kansas Water Authority which would summarize statements made by Committee members. The following message was drafted by Mr. McDanel following the meeting and approved by Mr. Nuzman on March 8th:

The Kansas-Lower Republican Basin Advisory Committee carefully reviewed and discussed the Kansas Water Office's proposal for structural changes to the Basin Advisory Committees at its meeting on March 7th, 2006.

The Committee strongly believes that the proposed changes are unnecessary and want no changes in the current structure or in how the Chair is selected. We believe that the Basin Advisory Committees, not the Kansas Water Office or the Kansas Water Authority, can best determine how the Committees should be structured and the Chair should be selected.

Watershed Restoration and Protection Basin Section: Mr. Wedel reported on proposed revisions to the Watershed Restoration and Protection section of KLR Basin Section of the *Kansas Water Plan*. He described the issue paper which had been mailed to the committee and noted the issue would go to the KWA at its April meeting. Mr. Wedel noted that a revised draft of the basin section would return to the committee at its next meeting in June.

Mr. Wedel reviewed how KDHE's "Nutrient Reduction Plan" for nitrogen and phosphorus would be incorporated into the basin section. Mr. Nuzman asked about changes in the TMDL table. Mr. Wedel noted there would be additional TMDLs. Mr. Mammoliti asked if specific goals would be established for reduction of nutrients. He noted that specific goals were essential. Mr. Wedel reviewed current TMDL targets with the committee. Mr. Davidson asked how KWO or KDHE would determine if significant progress was being made. Mr. Mammoliti asked how the "Nutrient Reduction Plan" was linked to KDHE regulatory programs.

Mr. Wedel noted that there was little regulation of non-point sources; that current KDHE programs are incentive based. Mr. Mammoliti asked why we're putting so much money into point sources if non-point sources are the bigger part of the problem. Mr. Nuzman noted that this KDHE program targeted specific high priority areas, but said that the goals need to be clarified. Mr. Nuzman asked if the committee wanted to request the KWO to proceed with these revisions.

Mr. Shannon made a motion to proceed. The motion was seconded by Mr. Davidson and carried.

Kansas River Water Quality Model: Patrick Rasmussen (USGS) reported on a recent USGS study of water quality in the Kansas River for which he is the primary author. He noted this study developed and tested a model for evaluating levels of ammonia and bacteria using a number of different scenarios including population growth, changes in water treatment plants and reduction of nutrients required by the KDHE's "Nutrient Reduction Plan".

Committee members had a number of questions about the model. Most of the questions focused on where the samples were taken and perceived changes in nutrient levels below the Topeka and Lawrence waste water treatment plants. Mr. Rasmussen noted that copies of the study were available at the USGS website and offered to provide hard copies to interested Committee members. Mr. Nuzman thanked Mr. Rasmussen for this presentation.

Messages to the Kansas Water Authority: The Kansas-Lower Republican Basin Advisory Committee carefully reviewed and discussed the Kansas Water Office's proposal for structural changes to the basin advisory committees at its meeting on March 7th, 2006.

The committee strongly believes that the proposed changes are unnecessary and represent an unwarranted interference with the committees and their operations. We believe that the basin advisory committees, not the Kansas Water Office or the Kansas Water Authority, can best determine how the committees should be structured and the chair should be selected.

Next Meeting Date and Time: Mr. McDaneld informed the committee that the next series of BAC meetings would be held the last two weeks of June. He asked the Committee to provide preferred dates, but noted the selected dates would have to meet the needs of the agency. After some discussion, the committee requested the meeting be held on Tuesday, June 27th, with a backup date of Thursday, June 29th. Mr. Nuzman said the meeting would be held in Topeka.

Mr. Nuzman announced upcoming water resource meetings in Ft. Scott and Topeka.

Adjourned: This meeting was adjourned at 2:00 p.m.