



Neosho Basin Advisory Committee

Meeting Notes

Neosho Basin Advisory Committee
Schermmerhorn Nature Center
3501 S. Main St.
Galena, KS
1:00 p.m., Thursday, October 8, 2009

DRAFT

Members in Attendance: Peggy Blackman, Bob Hammond, Steve Kubler, Daryl Meierhoff, Pat Sauble, and James Triplett.

Members Absent: Morgan Marler (notified), Matt Zimmerman, and Ron Nurnberg.

Others in Attendance: Doug Blex (KAWS), Carl Hayes (Cherokee County Health Dept. and Spring River WRAPS), Terry Lyons (USACE), Marilyn Eccles (Coffey County Environmental Health/LEPP), Alan Dunning (KCC), and Susan Metzger, and Bobbi Wendt (KWO).

Welcome and Introductions: The meeting was called to order at 1:00 p.m. by Chairperson, Jim Triplett. All present provided self-introductions.

Approval of Agenda: The agenda was approved by Bob Hammond and seconded by Peggy Blackman. There was no discussion and a unanimous vote of approval was given.

Agency Reports:

Marilyn Eccles (Coffey County Environmental Health/LEPP) reported that they are currently working on the County Sanitation Code and it is almost ready to be shown to the commissioners and to initiate public meetings. Marilyn also reported that the WRAPS had assisted in the cost share program to rehabilitate failing septic systems. It was mentioned that recognition should be brought again to the problem concerning the funds that are available through the NPS loan program allocated by the EPA to KDHE. This program has funds available, but no mechanism of delivering those funds to those that can take advantage of them, such as the WRAPS groups and the LEPP.

Terry Lyons (USACE) reported that the gates had been closed at John Redmond Reservoir because a large amount of rain had been predicted downstream. Terry also mentioned that the KWO would be touring John Redmond and the Hartford levee on October 9th.

MEMBERS:

JAMES TRIPLETT
Chairperson
Fish & Wildlife
Pittsburg, KS

PEGGY BLACKMAN
Watershed Restoration
and Protection
Marion, KS

DARYL MEIERHOFF
Conservation/
Environment
Emporia, KS

MATT ZIMMERMAN
Water Assurance
District
Emporia, KS

MORGAN MARLER
Other Public Water
Supplier
Hillsboro, KS

PAT SAUBLE
Agriculture
Cedar Point, KS

ROBERT HAMMOND
Industry/Commerce
New Strawn, KS

RONALD NURNBERG
Watershed District
Emporia, KS

STEVE KUBLER
At-Large Public
Chanute, KS

For questions please
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Carl Hayes (Cherokee County Health Dept. and Spring River WRAPS) reported that the LEPP program did not have a lot currently going on. Carl did iterate the need for the for the NPS funds to made available to help with the cost share of projects.

Public Comments: There were no public comments.

Reports: There were no reports.

BAC Business:

- a. A motion was made by Bob Hammond and seconded by Peggy Blackman to approve the July meeting notes. There was no discussion and a unanimous vote of approval was given.
- b. Jim Triplett (Chair) reported that at the August 13, 2009 Chairs meeting at the KWA meeting that the budget recommendations were discussed and went through. Jim also reported that the KWO presented information on the Reservoir Roadmap Volume II. Jim stated that the KWO reported on the budgetary and regulatory items that would need to be addressed to accomplish the goals of the Reservoir Roadmap. Jim also reported that the KWA reviewed and commented on the BAC messages that were sent.
- c. **BAC Member Reports:**

Bob Hammond (Industry/Commerce) reported on the lake level status of Wolf Creek Lake, stating that they would like to keep it full. Bob also reported that no zebra mussels had been detected in Wolf Creek Lake at this time.

Daryl Meierhoff (Conservation/Environment) passed around a Kansas Environmental Conference Health Flyer advertising to the public the necessity of not flushing medications and instead to properly dispose of them so they do not end up in our lakes and streams. Daryl also reported that the Water Congress met on August 6th and 7th and discussed water quality, compacts, lawsuits, etc. He also mentioned that Lyon County had completed 99 septic system inspections and found many to be failing.

Peggy Blackman (Vice-chair & WRAPS) reported that she had met with the Neosho and Cottonwood WRAPS groups in Emporia and had received a good turnout. There was an additional meeting in Marion, but the turnout was poor because the meeting was poorly publicized. Peggy also reported the flyover for the Cottonwood had been cancelled and aerial photographs would be used instead to determine areas of extreme streambank erosion. Peggy also mentioned that there were currently 42 WRAPS projects and that the money would need to be spread out to cover all projects. Peggy also reported that the AP came out with an article about blue-green algae, so the Hutchison newspaper interviewed her about Marion Lake. She also mentioned that Marion County has offered \$30,000 to do monitoring in 2010.

Jim Triplett (Chair and Fish & Wildlife) reported that he gave a joint presentation with Kevin Gustavson at the From Dust bowl to Mud Bowl Conference in Kansas City. Jim also gave a presentation at the WRAPS conference in Great Bend on Regulatory versus Voluntary. Jim mentioned that the City of Pittsburg has been working on gathering information about their storm water system including creating a GIS layer and conducting some water quality testing in cooperation with the University.

Steve Kubler (Municipal) reported that information concerning the ARRA funding for the Neosho Streambank Restoration project had been published in the local newspaper. Steve commented

that the Chanute streambank project has held up well. The project included some weirs, an artificial gravel bar, and dam rehabilitation to improve the City of Chanute's intake. Steve then reported that the City had been questioned about the National Atrazine Lawsuit that has initiated by the newspaper. At this time the City of Chanute is not involved in the lawsuit.

Pat Sauble (Agriculture) reported that the KLA has been fighting against Senate Bill 787 - Clean Water Restoration Act of 2009 based on the wording it including. Pat also mentioned the work that had been done on the Eichmann site on the Cottonwood River concerning streambank erosion.

- c. **BAC membership:** Consideration of Basin Advisory Committee applications:
Steve Kubler nominee for the Municipal category officially resigned from the At-Large Public category and was recommended by the BAC for approval for the Municipal category from the KWA. The motion was approved by Peggy Blackman and seconded by Bob Hammond.
- d. **Basin Priority Issue Implementation:** Bobbi Wendt (KWO) reported that the Basin Activities/Updates report is focusing on the all three BPI's contained within the Neosho River Basin section of the *State Water Plan* and so therefore a detailed review/update of the BPI's is not needed. However, Bobbi did mention the possibility of another joint BAC meeting in May 2010. She asked the BAC if they would like to have a joint BAC and if so, would they rather it focuses on WRAPS or Water Supply? The BAC agreed that they would prefer to focus on WRAPS. It was agreed that Bobbi would look into a possible location for a joint BAC and also see which other BACs would like to participate. The BAC did mention that they like the forum of having a joint BAC meeting, but would like to have more local officials and legislatures there.

Basin Activities/Updates:

- a. Poultry Litter Concern – Doug Blex (KAWS) reported that there is a need to educate farmers on the use and storing of poultry litter. Doug mentioned that he is working with WRAPS to involve the producers and avoid additional regulation and move more towards a voluntary, non-agency approach. He mentioned that developing brochures and offering soil testing would be useful tools in helping farmers to properly use the poultry litter and gain the maximum benefit without excessive costs.

Jim Triplett (Chair and Fish & Wildlife) reported that there is a need for a statewide management strategy. The plan would need intensive nutrient management zones with crop planning including legumes. Jim also mentioned that soil testing is needed and noted that poultry litter is not regulated in nitrogen and phosphorus content. Peggy Blackman (Vice-Chair and WRAPS) furnished a letter from the Kansas Department of Agriculture stating that they are concerned with the poultry litter, but that any animal dung is specifically exempt from registration under K.S.A. 2-1201(1). The letter also stated that Josh Svaty, Acting Secretary, has brought this problem before the Governor's Natural Resources Subcabinet. The Subcabinet discussed the problem and plans to study it in more detail. KDHE is researching both state and federal statutes and regulations to determine what authorities currently exist to address this concern.

- b. EPA Regions - Grand Lake of the Cherokees Work – Jim Triplett (Chair) reported that the Grand Lake of the Cherokees Draft Plan had been completed but that since the

area was in two EPA Regions (6&7) approval of the plan is still being evaluated by the EPA. Jim mentioned that there will be a Grand Lake Watershed Executive Conference in Joplin on November 10th. The Grand Lake Watershed Alliance has invited Kansas WRAPS group leaders to participate in the discussion.

- c. Senate Bill 787 - Clean Water Restoration Act of 2009 – Bobbi Wendt (KWO) stated that neither speaker requested to talk about this was available to come. Bob Hammond (Industry/Commerce) stated that initially he had some questions concerning the KWA's response; however with additional research he was able to answer those questions and lay to rest any concerns. Bobbi mentioned that a special Glance session could be held to provide additional information concerning Senate Bill 787. The BAC thought this was not necessary.
- d. Ozark Aquifer USGS Reports - Bobbi Wendt (KWO) reported that the USGS had released their final reports for both the quality and quantity studies. A meeting had been held on August 26th in Joplin to discuss the newly released reports. Bobbi mentioned that DWR would need to make a decision concerning the moratorium that was placed on new water rights by December 31, 2010. She mentioned that a subcommittee is being formed to assess the needs of the area and to keep all those involved up-to-date on what was happening concerning the moratorium. DWR will finalize the list of subcommittee participants and set up the first meeting the second week of November.
- e. Recovery Act project for the Neosho Streambank Stabilization –Susan Metzger (KWO) gave a brief presentation on the ARRA Neosho Streambank Stabilization project to provide an update and to give a report on the October 2nd public hearing in Emporia. Additional information about the project and how to bid on the project can be found on the KWO website: http://www.kwo.org/ARRA_Neosho.htm
- f. Reservoir Sustainability Initiative: Reservoir Roadmap: Susan Metzger (KWO) gave a presentation on the RRM. The feedback for the RRM was positive and the BAC was excited to see this type of project in motion. The BAC agreed they would like an additional Glance Session to review Volume III of the RRM since the Neosho will be the pilot basin for this project.

Other Business:

a. Message(s) to the KWA:

The Neosho Basin Advisory Committee wanted to bring recognition to the forefront again of the problem concerning the funds that are available through the NPS loan program allocated by the EPA to KDHE. This program has funds available, but no mechanism of delivering those funds to those that can take advantage of them, such as the WRAPS groups. The BAC would like the KWA to again encourage the process of using the RC&D's as the mechanism to deliver the money from the KDHE NPS loan program to the entities that can utilize it. Now is an important time to act upon this and make the necessary revisions to the NPS loan program so funds can be delivered and utilized. The BAC sent a message to the KWA in February to ask for support from the KWA in evaluating additional sources of and delivery mechanisms for funding of natural resource projects. The response from KDHE was that they would be looking into this. While it was included in the KDHE NPS presentation presented in July, little has been done to create a mechanism for delivery of these funds

- b. The Kansas Water Authority meeting on November 17-18, 2009 in Liberal was announced.
- c. The Water and Climate: Planning for Change Conference on December 9th in Wichita and on December 10th in Hays was announced. Bobbi Wendt (KWO) stated that there is a \$10.00 registration cost but members of the BAC wishing to attend would have their registration paid for, but that hotel accommodations and travel would need to be arranged and paid for by the members themselves.
- d. **The next BAC meeting was tentatively scheduled on February 25, 2010 at 1:00pm in Emporia.**

Adjourn: A motion was made by Pat Sauble and seconded by Steve Kubler to adjourn the meeting at approximately 3:45 p.m. There was no discussion and unanimous approval was given.