

Approved February 25, 1986  
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Ron Fox at  
Chairperson

3:30 ~~a.m.~~ p.m. on February 20, 1986 in room 526-S of the Capitol.

All members were present except:

Representative Spaniol (excused)

Committee staff present:

Ramon Powers, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes' Office  
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Joseph F. Harkins, Director, Kansas Water Office  
Ken Kern, Executive Director, State Conservation Commission  
Wayland Anderson, Assistant Chief Engineer, Division of Water Resources  
Bill Hanzlick, Director, Kansas Fish and Game Commission  
Dr. Floyd Smith, Chairman, Water Authority Committee

The meeting was called to order by Chairman Fox. There were no objections to the minutes of February 12 and 13, and they were adopted. The Chairman made announcements regarding meetings for the following week.

Joe Harkins of the Kansas Water Office explained recommendations for legislation relative to the Management and Fish, Wildlife and Recreation sections of the State Water Plan. (See Attachment 1) He also discussed bills which would be necessary to implement those recommendations, and requested that those bills be drafted and introduced. (See Attachment 2) Committee discussion followed.

Ken Kern represented the State Conservation Commission. He discussed the recommendations which would affect his agency and supported all of them.

Representative Patrick moved that these bills be introduced as committee bills. Representative Rezac seconded the motion. The motion carried.

Bill Hanzlick told the committee that the Fish and Game Commission was quite supportive of all of the proposed legislation.

Wayland Anderson, Assistant Chief Engineer, noted that his office supported the package of legislation.

Dr. Floyd Smith, representing the Water Authority Committee, said that he had been closely concerned with these bills and recommended them very strongly.

The Chairman noted that he had received a request relative to a House Concurrent Resolution memorializing the EPA to move back the dates for the mileage standards of automobiles. This deals with the EPA (CAFE) standards related to gasoline mileage. Representative Ott moved, seconded by Representative Sughrue, that a House Concurrent Resolution dealing with CAFE standards be introduced. The motion carried.

The meeting was adjourned at 4:20 p.m.

The next meeting of the House Energy and Natural Resources Committee will be held on February 24, 1986 at 3:30 p.m. in Room 526-S.



# **Kansas Water Plan**

## **Summary of Recommendations**

**January 1986**

### **Table of Contents**

#### **Section**

**Management**

**Fish, Wildlife and Recreation**

Attachment 1

# **Management Section**

Urban Flood Management

Recommendation #1  
(to be added to  
last year's  
recommendations)

The Chief Engineer shall have authority to require approval of plans and, when necessary, require remedial action on any dam which impounds 30 acre-feet of water or less with a dam height of greater than six feet and which presents a potential loss of human life.

Discussion

Current law exempts dams which impound less than 30 acre-feet of water from state permit requirements. Urban impoundments in some areas may not exceed this capacity. However, these structures may present a threat to public safety in the event of failure.

Legislation

Legislation is needed.

Estimates of State  
Financial Requirements

Initial Year:

No additional state expenditures are needed.

Long Term:

No additional state expenditures are needed.

Minimum Desirable Streamflows

Recommendation #2  
(to be added to  
last year's  
recommendations)

The state should identify minimum desirable streamflows on those streams with sufficient opportunity to achieve such streamflows and with real needs to be protected from future appropriation of water.

Discussion

Minimum streamflows were approved for the Arkansas and Ninnescah rivers and Rattlesnake Creek by the 1985 Legislature. Minimum streamflows have been recommended for the Saline, Smoky Hill, Medicine Lodge, Chikaskia, Big Blue, Little Blue, Republican and Delaware rivers, as well as Mill Creek. Recommended values are listed in the table below.

Legislation

Legislation is needed.

Estimates of State  
Financial Requirements

Initial Year:                   \$132,000  
  
Long Term:                       \$200,000 annually

**Recommended Minimum Desirable Streamflows (cfs)—1986**

Stream Name	Location	J	F	M	A	M	J	J	A	S	O	N	D
Saline River	Near Russell	5	5	15	15	15	12	2	2	2	5	5	5
Smoky Hill River <sup>a</sup>	At Ellsworth	20	20	25	30	35	45	35	15	15	15	20	20
Medicine Lodge River	Near Kiowa	50	55	60	60	40	30	6	1	1	4	40	50
Chikaskia River	Near Corbin	30	45	50	45	40	30	16	5	5	8	30	30
Big Blue River	At Marysville	100	100	125	150	150 <sup>b</sup>	150 <sup>b</sup>	80	90	65	80	80	80
Little Blue River	Near Barnes	100	100	125	150	150 <sup>b</sup>	150 <sup>b</sup>	75	80	60	80	80	80
Republican River <sup>c</sup>	At Concordia	100	125	150	150	150	150	150	150	80	65	80	100
Republican River <sup>c</sup>	At Clay Center	125	150	200	250	250	250	200	200	100	90	100	125
Mill Creek	Near Paxico	8	8	8	25	30	35	10	5	5	2	5	8
Delaware River	Near Muscotah	10	10	20	20	20	20	5	3	3	2	10	10

<sup>a</sup> Subject to subsequent assessment of lagged effects of upstream depletions.  
<sup>b</sup> Subject to the stateline flows contained in the Blue River Compact.  
<sup>c</sup> Subject to subsequent assessment of Harlan County Reservoir Operations, development of compact stateline flows and lagged effects of upstream depletions.

Stream Recovery and Aquifer Restoration

Recommendation #3

The Kansas Water Office and Division of Water Resources shall evaluate opportunities to recover streamflow in streams which have undergone severe depletion and, where a high probability of success exists, develop strategies for recovery.

Discussion

Stream depletion has caused serious impacts to native stream fisheries and wildlife habitat, as well as impairing associated benefits to existing water supplies. While it is not possible to recover many reaches of depleted streams, it may be possible to successfully recover certain portions of streams.

Legislation

No Legislation is needed.

Estimates of State  
Financial Requirements

Initial Year:

No additional state expenditures are needed.

Long Term:

\$40,000 annually

Stream Recovery and Aquifer Restoration

Recommendation #4

The state will develop a cost-share program for purchasing water rights from willing sellers in conjunction with local groups so that reaches of streams are allowed to recover some streamflow over the long range.

Discussion

This recommendation will allow the state, in conjunction with local groups, to protect and recover streamflow in some depleted streams through the purchase of existing water rights from willing sellers.

Legislation

Legislation is needed.

Estimates of State  
Financial Requirements

Initial Year:

No additional state expenditures needed.

Long Term:

Will be determined when projects are identified through the basin planning process.



Stream Recovery and Aquifer Restoration

Recommendation #5

The state should examine using the cost-share program for purchasing groundwater appropriations from willing sellers in conjunction with groundwater management districts and cities to protect existing groundwater reserves.

Discussion

This recommendation will allow the state, in conjunction with groundwater management districts and cities to protect existing groundwater reserves through the purchase of existing water rights from willing sellers.

Legislation

Legislation is needed.

Estimates of State  
Financial Requirements

Initial Year:

No additional state expenditures needed.

Long Term:

Will be determined when projects are identified through the basin planning process.

**Fish, Wildlife and  
Recreation Section**

Environmental Coordination

Recommendation #6

The state should enact legislation requiring environmental coordination and consideration regarding state involvement in water development projects. State agencies involved in water development activities should be given additional authority as needed to condition state permits and grants for environmental purposes and to enforce environmental requirements.

Discussion

Uniform consideration of environmental concerns regarding nonfederal water projects is generally not required by existing state laws. Environmental coordination among state agencies is needed to assure that potential impacts of a proposed project are identified prior to construction. Additional state authority may be needed to adequately address environmental concerns.

Legislation

Legislation is needed.

Estimates of State  
Financial Requirements

Initial Year:	\$49,000
Long Term:	\$49,000 annually

## Environmental Coordination

### Recommendation #7

An interagency review process should be established to facilitate environmental coordination on nonfederal water projects. Final authority regarding environmental concerns should remain with the agency initially responsible for state action; however, an appeal process should be established to resolve potential conflicts.

### Discussion

An interagency review process would provide various state agencies an opportunity to review and comment on pending state permits or grant requests involving water development projects. The review process would be administered through a single point of contact. An appeal process involving an administrative hearing by the head of the lead agency would be needed to address potential concerns of an applicant or review agency regarding a lead agency's decision.

### Legislation

No legislation is needed.

### Estimates of State Financial Requirements

Initial Year:	\$14,500
Long Term:	\$ 7,500 annually

Riparian Protection

Recommendation #8

Any channel modification activity shall require a state permit with appropriate conditions to maintain riparian vegetation and stabilized banks as designated by rules and regulations of the Chief Engineer, Division of Water Resources.

Discussion

Physical design criteria and vegetative cover play an important role in maintaining stable banks. State permit requirements for channel modification projects will address proper vegetative cover and streambank stabilization.

Legislation

Legislation is needed.

Estimates of State  
Financial Requirements

Initial Year:	\$47,000
Long Term:	\$47,000 annually

## Riparian Protection

### Recommendation #9

County conservation districts shall be required to develop county riparian protection programs to assist local landowners in managing and maintaining riparian areas thereby retaining bank stabilization, timber, water quality, erosion and sediment control, wildlife habitat, recreation and aesthetic benefits.

### Discussion

A county riparian protection program will provide for the general protection and management of natural riparian areas, which have been depleting due to conversion and improper management. Local county conservation districts, in cooperation with appropriate state and federal agencies, will assist local landowners in managing and maintaining riparian areas.

### Legislation

Legislation is needed.

### Estimates of State Financial Requirements

Initial Year:

No additional state expenditures are needed.

Long Term:

No additional state expenditures are needed.

## Riparian Protection

### Recommendation #10

The state should provide for the use of conservation easements on riparian lands identified as crucial wildlife habitat to further encourage protection and proper management of these areas.

### Discussion

This recommendation will establish a conservation easement program in which voluntary participants can either donate or sell to the state, easements of riparian land which has been identified as crucial wildlife habitat. This land will be managed in accordance with a management agreement negotiated between the landowner and the state.

### Legislation

Legislation is needed.

### Estimates of State Financial Requirements

Initial Year:

\$21,000

Long Term:

Cannot be determined at this time.

## Wetland Protection

### Recommendation #11

The state should require local conservation districts to develop a county wetland protection program to promote the general protection and management of wetland areas.

### Discussion

Wetland areas in Kansas can provide important water quality, groundwater recharge and wildlife benefits. Many natural wetland areas have been converted to other uses in the past. County protection programs would be developed by local conservation districts in accordance with state rules and regulations to assist landowners and operators in managing and protecting wetland areas. Various state and federal agencies would assist conservation districts in the development and implementation of county wetland protection programs.

### Legislation

Legislation is needed.

### Estimates of State Financial Requirements

Initial Year:

No additional state expenditures are needed.

Long Term:

No additional state expenditures are needed.



Wetland Protection

Recommendation #12

The state should provide for the use of conservation easements for wetland areas identified as crucial wildlife habitat.

Discussion

This recommendation will establish a conservation easement program in which voluntary participants can either donate or sell to the state, easements of wetland areas which have been identified as crucial wildlife habitat. This land will be managed in accordance with a management agreement negotiated between the landowner and the state.

Legislation

Legislation may be needed.

Estimates of State  
Financial Requirements

Initial Year:

\$21,000

Long Term:

Cannot be determined at this time.

River Recreation

Recommendation #13

**The state should enact legislation to provide for limited instream public recreation use on designated recreation rivers.**

Discussion

Rivers and streams in Kansas represent a significant recreation resource. Current statutes are unclear regarding public use of non-navigable rivers which traverse private property. The state should provide for instream public use on appropriate rivers designated by the Legislature.

Legislation

Legislation is needed.

Estimates of State  
Financial Requirements

Initial Year:

No additional state expenditures are needed.

Long Term:

No additional state expenditures are needed.

## River Recreation

### Recommendation #14

**The state should develop a management program for designated recreation rivers to ensure proper resource use and to protect private property rights.**

### Discussion

Following an evaluation process to identify appropriate river reaches for recreation use, a management plan would be developed for each designated recreation river. A river management plan would address various management concerns such as access sites, portage areas and protection of the river environment. Voluntary easements and landowner agreements would be utilized to facilitate implementation of the management plan. Five rivers are recommended for initial evaluation including the Chikaskia, Caney, Fall, Cottonwood and Republican rivers.

### Legislation

No legislation is needed.

### Estimates of State Financial Requirements

Initial Year: \$57,000

Long Term: \$45,000 annually. Additional funds may also be needed for river development costs.

February 20, 1986

Bills Necessary to Implement  
Water Plan Recommendations

Recommendation

- #1 Amend K.S.A. 82a-304 (Division of Water Resources).
- #24 (1985) Amend K.S.A. 48-928 (Adjutant General) and K.S.A. 12-734 et. seq. (Division of Water Resources).
- #2 Minimum Desirable Streamflows - already introduced.
- #4 and #5 Amend K.S.A. 82a-707 (Division of Water Resources); K.S.A. 2-1915 (State Conservation Commission); K.S.A. 2-1908 (State Conservation Commission); K.S.A. 82a-701 et. seq. (Division of Water Resources).
- #6 New legislation (Division of Water Resources), (Fish and Game Commission), (State and Extension Forestry), (State Biological Survey), (Kansas Department of Health and Environment), (State Historical Society), (Park and Resources Authority), (State Conservation Commission).
- #8 Amend K.S.A. 82a-301 et. seq. (Division of Water Resources).
- #9 Amend K.S.A. 1985 Supp. 2-1915 (State Conservation Commission).
- #10 New legislation (Fish and Game Commission).
- #11 Amend K.S.A. 1985 Supp. 2-1915 (State Conservation Commission - Same as #9).
- #12 New legislation (Fish and Game Commission - Same as #10).
- #13 New legislation (Fish and Game Commission).

Attachment 2

House Energy and Natural Resources 2/20/86