

Approved: 3-18-98  
Date

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Vice-Chairperson Joann Freeborn at 3:30 p.m. on February 23, 1998 in Room 526-S of the Capitol.

All members were present except: Rep. Steve Lloyd - excused  
Rep. Kent Glasscock - excused

Committee staff present: Raney Gilliland, Legislative Research Department  
Hank Avila, Legislative Research Department  
Mary Torrence, Revisor of Statutes  
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She announced that Rep. Becky Hutchins was going to give a sub-committee report on HB2435.

**HB2435:** **An act concerning watershed districts; concerning election of directors; relating to exercise of eminent domain.**

Rep. Hutchins reported that she, Rep. Dan Johnson and Rep. Marti Crow met on February 5, 1998 and went over the history of the bill, which had been heard in the Environment committee during the 1997 legislative session. The Kansas Association of Watersheds, the Division of Water Resources and the Kansas Water Office met on February 16, 1998 to discuss watershed laws. Lynn Wobker, president of Kansas Association of Watersheds, reported to Rep. Hutchins that they did meet in a closed meeting and discussed watershed laws. In the sub-committee meeting on February 5, Mike Beam, Kansas Livestock Association, also reported that after the committee hearing in the 1997 legislative session, KLA appointed a two day task force to look at the watershed issues, they did not come up with a consensus on the issue. The sub-committee feels there is some movement on the Watersheds Board's part in addressing some of the issues and recommends an interim study be requested for further studies. Rep. Freeborn said an interim study was requested last year, by her, Rep. Steve Lloyd and Rep. Laura McClure, which was denied.

The Chairperson announced that minutes for the February 2, 3, 4, and 5 meetings, have been distributed to committee members and asked that they review these and notify her office within two days if any corrections are to be made. She opened discussion on HB2925.

**HB2925:** **An act concerning the Kansas river; designating certain reaches to be used for certain purposes.**

The Chairperson recognized Clint Riley, Kansas Department of Wildlife and Parks. Mr. Riley presented a draft of Public River Access Development. (See attachment 1) The Department establishes guidelines regarding the possibility of future development of public river access sites along the navigable, public rivers of Kansas, especially concerning identification of possible sites and coordination with private landowner concerns.

Chairperson Freeborn distributed copies of a balloon for HB2925 to committee members. (See attachment 2)

Rep. Tom Sloan made a motion to adopt the balloon. Seconded by Rep. Sharon Schwartz. Discussion followed.

Steve Williams, Secretary, Kansas Department of Wildlife & Parks, addressed the committee on the concerns the Department has with the balloon.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 526-S Statehouse, at 3:30 p.m. on February 23, 1998.

Rep. Tom Sloan withdrew the motion to adopt the balloon. Seconded by Rep. Sharon Schwartz.

Rep. Tom Sloan made a motion to adopt the balloon minus 1st line, followed by the word crimes, minus section 2, strike 170, line 34, and insert 170.4 mile marker. Seconded by Rep. Sharon Schwartz. Motion carried.

Rep. Douglas Johnston made a motion to pass the bill as amended. Seconded by Rep. David Huff. Motion carried.

The meeting adjourned at 4:40 p.m.

The next meeting is scheduled on call of the Chair.



## PUBLIC RIVER ACCESS DEVELOPMENT

The Kansas Department of Wildlife and Parks (KDWP) establishes the following guidelines regarding the possibility of future development of public river access sites along the navigable, public rivers of Kansas (the Kansas River, the Arkansas River, and the Missouri River), especially concerning identification of possible sites and coordination with private landowner concerns.

### Site Acquisition

To the extent necessary resources are made available, KDWP will work with voluntary landowners to develop public river access sites. Development is expected to occur primarily at sites currently in public ownership, where the responsibility for future maintenance of the public river access site is assumed by the local community. However, KDWP will also explore opportunities for development of public river access sites where a private landowner expresses an interest in such development and would voluntarily assume future maintenance responsibilities. In no instance will eminent domain be used to acquire property for the development of public access sites to the Kansas River or other navigable rivers of Kansas.

### Preservation of Levees

Current statutory permitting provisions exist for review of potential effects of public river access site development. According to K.S.A. 82a-301, any construction, change, or addition to a dam or water obstruction must be submitted to the Division of Water Resources (DWR), within the Kansas Department of Agriculture, for review and approval. In addition, K.S.A. 24-126 requires the approval of the DWR for any construction or maintenance of any levee or other such improvement along a stream subject to floods. Development of a public river access site along the Kansas River by KDWP will be subject to these statutorily required reviews by an outside agency, which would include specific review of any construction that may affect a levee structure. In addition, construction of a public river access site may be subject to flood plain zone requirements or restrictions established by the city or county governing body, and approved by DWR, according to K.S.A. 12-766.

To provide further opportunity for review of any site development, any proposal for a public river access site within an established drainage district will be submitted to that drainage district at least 60 days in advance of submission of the proposal to DWR. This 60-day timeframe will constitute a public comment period, and if requested, KDWP will conduct a public hearing on the proposal within the 60-day period. Following submission of the proposal to DWR, the proposal will also be distributed to adjacent landowners and environmental review agencies, as part of DWR's requirements according to the Environment Coordination Act (K.S.A. 82a-325 *et seq.*).

### Public Education Efforts

KDWP recognizes the need to respect private landowners along any public corridor, and the need to educate river users of the limits of the public right-of-way. Specific steps that

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Attachment 1

KDWP intends to take to further these goals include:

- Development of educational brochure to accompany boat registration forms with information regarding: definition of "ordinary high water mark," indicating the beginning of private property; trespass and other criminal violations; and the need to respect both private and public property, regarding personal conduct, trash, etc.
- Distribution of such educational brochures at department offices and through river recreational organizations.
- Similar educational information posted at any public river access sites, along with signage clearly marking public property boundaries at these sites.

HOUSE BILL No. 2925

By Committee on Environment

2-13

9 AN ACT concerning the Kansas river; designating certain reaches to be  
10 used for certain purposes.

11 Be it enacted by the Legislature of the State of Kansas:

12 Section 1. (a) As used in this section:

13 (1) "Kansas river reach" means all land owned by the state of Kansas  
14 in the Kansas river channel up to the ordinary high water mark within  
15 the designated reach. In cases where the state's ownership interest is  
16 affected by avulsion, ownership will be determined pursuant to K.S.A.  
17 82a-201 et seq. and amendments thereto.

18 (2) "Multi-use reach" means a reach of the Kansas river where any  
19 use authorized or not prohibited by law is allowed.

20 (3) "Recreational use reach" means a reach of the Kansas river where  
21 ~~any use is allowed that is allowed in a multi-use reach except sand and~~  
22 ~~gravel dredging activities that require a permit pursuant to K.S.A. 82a-~~  
23 ~~301 et seq. and amendments thereto.~~

24 (4) "River miles" means river miles officially designated by the  
25 United States army corps of engineers in the Emergency Flood Plan,  
26 Kansas River, Mouth to Junction City, file number EM-1-420, March  
27 1977, revised April, 1986.

28 (b) (1) The following are hereby designated as multi-use reaches on  
29 the Kansas river: River mile 0 to river mile 51.8 and river mile 72 to river  
30 mile 125.

31 (2) The following are hereby designated as recreational use reaches  
32 on the Kansas river: River mile 51.8 to river mile 72 and river mile 125  
33 to river mile 170.

34 Sec. 2. This act shall take effect and be in force from and after its  
35 publication in the statute book.  
36  
37  
38

providing for certain signs; relating to prosecution for certain crimes

commercial and industrial activities that require a permit pursuant to K.S.A. 82a-301 et seq. and amendments thereto are prohibited except for public water supplies, wastewater and stormwater outfalls, electric utilities, flood control and drainage works, bridges or buried transmission lines and pipelines

Sec. 2. The department of wildlife and parks shall produce and supply, upon request, to owners of private lands along the Kansas river appropriate signs to be used by the landowners to identify private property lines along the river and to warn the public that trespassing on such property is a criminal offense. Such signs shall be posted and maintained by the property owner.

Sec. 3. Any person who commits any of the following along the Kansas river shall be subject to prosecution: Criminal trespass as defined by K.S.A. 21-3721 and amendments thereto; littering, as defined by K.S.A. 21-3722 and amendments thereto; injury to a domestic animal, as defined by K.S.A. 21-3727 and amendments thereto; criminal hunting, as defined by K.S.A. 21-3728 and amendments thereto; obstructing, injuring, damaging or destroying property in violation of K.S.A. 24-636 and amendments thereto; or any other violation of law.

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Attachment 2