

MINUTES OF THE JOINT MEETING OF THE
SENATE WAYS AND MEANS COMMITTEE and
HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 8:00 A.M. on February 21, 2007, in Room 514-S of the Capitol.

All members were present except:

Senator Jim Barone- excused
Senator Donald Betts- excused
Senator Laura Kelly- excused
Senator Vicki Schmidt- excused
Senator Jean Schodorf- excused
Senator Ruth Teichman- excused

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes
Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Julian Efird, Kansas Legislative Research Department
Becky Krahl, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Melinda Gaul, Chief of Staff, Senate Ways & Means
Mary Shaw, Committee Assistant

Conferees appearing before the committee:

John Paul Woodley, Assistant Secretary of Civil Works, Department of the Army

Others attending:

See attached list.

Senate Ways and Means Committee was invited to and attended a joint meeting with House Appropriations. Chair Schwartz recognized Mike Hayden, Secretary, Kansas Department of Wildlife and Parks, who introduced John Paul Woodley, Assistant Secretary of the Army for Civil Works, who appeared before the joint meeting of House Appropriations and Senate Ways and Means Committees for the purpose of testifying on matters related to the Corp's' operation of the Kansas Reservoir System (Attachment 1).

Some concerns voiced by the Committees and Mr. Woodley's response to questions included:

- Deviations from the Master Manual have done in the past; however, needs to be thoroughly documented and have not been long-standing deviations.
- With regard to recreation areas on Corp land, Mr. Woodley felt that the State should manage this recreation land would promote further discussion in this area.
- Concerning the inability to get 404 permits in a timely manner, related to Watershed Districts, Mr. Woodley stated that the federal government has increased the budget in order to get more resources in recognition of the backlog of permit requests and the fact that the agency is not processing the permits in a timely manner.
- With regard to the Turkey Creek Redevelopment Flood Control Project in the Kansas City area, Mr. Woodley indicated that he plans to visit the site later in the day. Currently, some construction is being done; however, a Committee member voiced concern that too many studies have been done without sufficient work to correct the flooding problem.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 8:00 A.M. on February 21, 2007, in Room 514-S of the Capitol.

- The Committee voiced concern about water released from State reservoirs during a holiday or vacation period when citizens are using the recreation areas.
- Concern that the amount of water released from a reservoir in the upper regions of the State has little effect on the navigation level in Missouri.
- Kansas has the option of purchasing additional water storage from the Corp.
- Concern that the Corp should do a better job in public relations on issues affecting reservoirs within the State.
- Low level of barge traffic in the Atchison area is due to the drought affecting Kansas and surrounding states.
- Tuttle Creek Reservoir should be refilled within the next year or two.

The meeting adjourned at 9:15 a.m. The next meeting of Senate Ways and Means Committee is scheduled for February 21, 2007, at 10:40 a.m.

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)
PREPARED STATEMENT
OF
JOHN PAUL WOODLEY, JR.
ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS
FOR THE JOINT HEARING BEFORE THE
KANSAS STATE SENATE WAYS AND MEANS
AND STATE HOUSE APPROPRIATIONS COMMITTEES
KANSAS STATE CAPITOL BUILDING
ROOM 514 SOUTH
TOPEKA, KANSAS
8:00 AM; FEBRUARY 21, 2007

INTRODUCTION:

Chairperson Duane Umbarger and Members of the Senate Ways and Means Committee and Chairperson Sharon Schwartz and Members of the House Appropriations Committee, I am John Paul Woodley, Jr., and I am here today in my role as Assistant Secretary of the Army for Civil Works. I am accompanied by Mr. Larry Cieslik, Chief of the Missouri River Basin Water Management Division and Deputy Director for Missouri River Programs in the Northwestern Division of the U.S. Army Corps of Engineers; Major Matt Little, the Deputy District Engineer for the Corps' Kansas City District; and

Senate Ways and Means¹
2-21-07
Attachment 1

Mr. David Combs, Chief of Planning for the Kansas City District. We are pleased to be here today to testify on matters related to the Corps' operation of the Kansas Reservoir System.

The Flood Control Act of 1944 authorizes the U.S. Army Corps of Engineers to operate the six large dams on the main stem of the Missouri River as a system for the purposes of flood control, navigation, hydropower, water supply, water quality, irrigation, recreation, and fish and wildlife. In operating this system, the Corps complies with all applicable laws, including the Endangered Species Act and fulfilling our trust responsibilities to Native American Tribes. The Missouri River Mainstem Reservoir Master Water Control Manual, or Master Manual, sets forth the technical criteria for operation of this system.

The Missouri River basin is entering its eighth consecutive year of drought. Over the past few years, the Corps has released water from Milford, Tuttle, and Perry Reservoirs in Kansas to support Missouri River navigation. We understand that these releases, which affect the level of the lakes, have an impact on the people who use these lakes for recreation and water supply. I have met with Governor Sebelius and other Kansas officials to discuss these concerns on several occasions.

Missouri River System storage was 34 million acre-feet (MAF) on February 1, 2007, 2.36 MAF lower than one year ago, and 23.1 MAF below the top of what we call the conservation pools, which are the levels that we would expect by March 1 if we were in a period in which there had been average or above average rainfall for several years in succession. Water conservation measures in response to the current drought began in the summer of 2000 and will most likely continue beyond 2007. Missouri River System

releases for navigation support in 2006 were set at minimum service levels and the season length was shortened by 44 days, in accordance with revised Master Manual drought conservation criteria adopted in March 2004. Under the lower releases and lower pool levels that our Master Manual provides during an extended drought, we were able to generate 5.6 million megawatt-hours (MWh) in 2006, or about 57 percent of the generation in a year of normal pool levels and runoff. Support to navigation flows will again be at minimum service in 2007. The Missouri River navigation season will be shortened a record 61 days if the rainfall and runoff this year are as the Corps estimated in its February 1, 2007 basic forecast. The previous record shortening for the navigation season was 48 days, which occurred in 2004.

All congressionally authorized project purposes, with the exception of flood control, have been negatively impacted by this prolonged drought. These negative impacts are being felt throughout the basin.

The reservoirs in the Kansas River Reservoir System, which are located in the watershed of the Missouri River, were authorized under various public laws to serve multiple project purposes. The authorized purposes of three of these reservoirs – Milford, Tuttle, and Perry – include support for downstream navigation on the Missouri River below Gavins Point Dam.

The reservoirs in the Kansas River Reservoir System have a much better chance of year-to-year recovery than the reservoirs on the main stem of the Missouri River. Water released from the Kansas System to support navigation also conserves storage in the Mainstem Reservoirs.

I recognize that some in Kansas have questioned whether there is a better use for the water than for navigation support. In the current drought, the Corps has been able to address this concern, at least in part, by maintaining somewhat higher pool levels on the three Kansas reservoirs.

We are prepared to work with you to explore the best ways to manage these reservoirs. For example, the authorizations for the three Kansas Reservoirs allow the State of Kansas to purchase some or all of the storage currently used for navigation for water supply. We are aware that the State of Kansas has a program in place to market water to municipalities, industries, and water districts through long-term contracts. It is our understanding that this state program can be used to provide water for in-stream flows and target flows to assist in meeting water quality standards. The Corps has authority to enter into water storage and water supply contracts with state agencies. We are willing to work with the State further to explore the option of providing more water for in State uses through the purchase of water storage and supply contracts.

I would also like to update your committees on two other Missouri River issues.

The Kansas City reach of the Missouri River streambed has been seriously degrading over the past 50 years, presenting problems for water suppliers and industries with intakes along the river. Many Kansas communities, including Atchison, Leavenworth, and Kansas City are dependent on the Missouri River in whole or in part for their municipal, residential, and industrial water supply and for cooling water for power generation plants. The degradation of the Missouri River is impacting Johnson County WaterOne and reducing the amount of power generated by the Board of Public Utilities. In response to this situation, the Corps has increased releases from the

Mainstem System to meet downstream water supply needs where practicable. The utilities have also taken steps to improve their intakes to ensure a more reliable water supply. They have expended millions of dollars to date and have plans for future expenditures. Nevertheless, the utilities still must deal with the uncertainty of how far channel degradation will go in the long-term. Bridge piers and drain pipes in the area may be threatened if the degradation continues. Sand and gravel dredging operations may be contributing to the degradation, and the Corps is currently considering placing restrictions on existing dredging permits. I understand that both the states of Kansas and Missouri support a study of the degradation problem. The President's 2008 Budget includes a proposal in the operation and maintenance program to spend \$100 thousand to assess this issue.

Finally, in the continuing effort to mitigate habitat losses resulting from the construction and operation of the Missouri River Bank Stabilization and Navigation Project, the Corps has recently completed the Benedictine Bottoms mitigation site, approximately two miles north of Atchison, and is in the process of acquiring an additional site near Elwood. Work on the Elwood site will begin this year. The Corps continues to work closely with the state of Kansas to identify real estate opportunities and is moving forward to purchase additional lands for mitigation.

Thank you for the opportunity to address your committees today. I will be happy to work with you and to discuss any questions that you may have.