

STATE OF KANSAS



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HOUSE OF
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House Agriculture Committee

March 7, 2011

Mr. Chairman, Members of the Committee: I rise in support of SB 122 with the request that you consider adding the contents of HB 2096.

Background: During the Bush Administration, the Assistant Secretary of the Army (Civil Works) twice visited Kansas for meetings with state agency heads and other key stakeholders with the objective of increasing coordinated planning and operations between Kansas' water agencies and the Corps of Engineers. Tracy Streeter can provide you great details about how concrete steps were taken as a result of those discussions.

When the Obama Administration appointed a new ASA-CW, a delegation of state water agency heads visited Ms. Darcy, detailed our on-going collaborative work and asked for two things in return: a) an increase in data sharing, and b) having a Corps employee based at the KS Water Office to serve as a liaison between Kansas and the Corps offices in K.C., Tulsa, Washington, D.C., and elsewhere. Both of those requests have been granted.

Ms Darcy will visit Kansas in June and meetings with the Kansas water agency heads are being scheduled. HB 2096 represents an effort to demonstrate to Ms. Darcy and the Corps that Kansas is serious about wanting to address long-term surface water sustainability issues – especially the matter of sedimentation and the impact that it has on flood control, water storage, water quality, and recreation opportunities. Each of the components of HB 2096 was developed last fall in consultation with the appropriate state agencies.

Governor's Position: HB 2096 was introduced by the Vision 2020 Committee as a result of two years of hearings and work on surface drinking water supply, flood control, sedimentation, algae blooms, and other issues. The bill was jointly assigned to the Vision 2020 and Agriculture Committees. No hearings on the bill were scheduled while the Governor and his staff reviewed the bill to determine if it fit their vision or Roadmap for our state.

Tim Shallenburger, Governor's Liaison, told both Chairman Powell and me that "the Governor had looked over your bill and thought it a good idea." Because of the Governor's support, I bring the bill to you for consideration.

Components of HB 2096:

- a) State Conservation Commission may fully fund streambank projects, if necessary, to address erosion and downstream impacts;

House Ag & Natural Resources
March 7, 2011
Attachment 6

- b) Multi-purpose small lakes program has required that any such impoundment include flood control and at least one of the following – drinking water supply or recreation. HB 2094 requires that at least two of those three benefits be included, thereby providing greater flexibility for the State Conservation Commission;
- c) Kansas Water Office to include within the water marketing program data collection costs for such programs as reservoir mapping, coring, sediment testing;
- d) Kansas Water Office shall report to the Legislature annually the projected cost of calling water in federal reservoirs into service and the costs to the state of delaying that call. Committee members will recall that the state has the option to purchase water storage rights in federal reservoirs at the original construction price/value, and that the option for each reservoir has an expiration date;
- e) Kansas Water Office may call water into service when in the best interests of the state. Committee members will recall that water historically is called into service when a municipality, water assurance district, or other recognized entity contracts to buy the water. Committee members also will recall that many times during periods of drought the Corps has released water from reservoirs to help float barges on the Missouri River and that Governors of both political parties have protested these releases. HB 2096 would allow the state to act to protect our long-range water supply interests, especially in a drought period;
- f) Kansas Biological Survey shall coordinate water data collections held by multiple state agencies. This does not mean that KBS is taking over, nor does it require state agencies to change the way they operate. KBS shall expand its ability to link databases so that public policy-makers have access to more complete data;
- g) Kansas Water Office is authorized to negotiate and grant easements on state properties identical to SB 122.

Summary: The devil is always in the details and I encourage you to closely examine HB 2096. With the exception of directing the Kansas Biological Survey to coordinate water databases for policy-making purposes and to include certain costs associated with collecting drinking water supply lake sedimentation and water quality data in the water marketing plan, *the bill is permissive, not a mandate and does not increase fees.* The Kansas Water Authority and Legislature would approve State Water Plan funding of the data collection activities.

The bill does send a clear message to the Assistant Secretary of the Army (Civil Works) that Kansans are serious about protecting the water supplies of 2/3rds of our population and that we are serious about wanting the Corps of Engineers to work more closely on water supply maintenance issues. The water agencies are developing a list of Corps' policy and funding changes Kansans believe appropriate.

I recognize that this is a large and somewhat complex bill, but if you believe that ensuring our people's long-term water supplies are vital (supplies to Wichita, Topeka, Lawrence, Johnson County, Pittsburg, and other rural and municipal systems supported by our surface water lakes/reservoirs), then I ask you to amend as much of HB 2096 as possible into SB 122 so that our water agency heads have bargaining tools when dealing with the ASA-CW.

Thank you for your consideration.