

Minutes of the June 9, 2009 Lower Kansas WRAPS meeting

held at the Sunset Building, Room 1010, 11811 South Sunset Drive, Olathe, Kansas.

Present: SLT Chair Mark Johnson, Coordinator Rick Davis, Kassie Shelton, Jennifer Blattman, Ginny Moore, Mel Theno, Jerry Wooley, Cheri Miller, Will Boyer, Gayla Speer, Heather Schmidt, Amanda Reed, Susan Iversen, Jim Weaver and Randy Root.

The meeting was called to order at 9:15 a.m. Everyone introduced themselves.

►Discuss Lower Kansas budget update:

A final budget allocation for the Lower Kansas WRAPS has been approved and sent to Harold Klaege at KAWS. Rick will send it out to the group when he receives a copy.

►Discuss Lower Kansas watershed issues, goals and objectives:

The group discussed issues, goals and objectives for the Lower Kansas watershed working in order through the document sent out by Rick and reviewing comments submitted by the SLT.

Issue # 1: Bacteria - Livestock Management/Grazing lands.

- Should the objective include any livestock operation rather than just “seasonal,...unregistered, and/or out-of-compliance” operations? It would then encompass operations with >300 animal units which are regulated by the state. Any with >1,000 animal units are federally regulated.

Concerns with the regulatory process:

- Water issues may not be a priority for these regulators;
- It is largely complaint driven rather than proactive;
- Is education being carried out with these larger producers?

It was noted that the objective does say “out-of-compliance” which could cover larger operations if they were a source of bacteria. Technically small operations can’t fall out-of-compliance since they are not permitted. Working with them is covered by the word “unregistered”.

- The group decided to keep the original wording of the objective. Also an explanatory sentence using layman’s terms will be added to the issue statement to clarify it for watershed stakeholders. A glossary will be appended and references for statistical and other statements will be given where appropriate.

Issue #1: Bacteria - On-Site Septic Systems

- Concerns on this issue:
 - New systems are failing as well as older systems
 - Property owners do not understand system maintenance; many do not even know they have a septic system; many use detrimental commercial products
 - Many area soils are not conducive to percolation which leads to groundwater contamination

- It was agreed to change “septic system” to “waste water disposal system” throughout the text and to include “groundwater” as well as “surface water” in the objective. It was also agreed to remove the term “improve” from the objective as Heather pointed out that improvement of these systems would be a major engineering endeavor well beyond our scope. Our focus should be public education on their proper care.

Issue #2: Sedimentation & Biology:

- Concerns on this issue:
 - Despite regulations and education efforts there are still many problems with sediment. Should our objective include working with legislators to strengthen enforcement?
 - Landowners with conservation agreements can lose subsidies if they are out of compliance, but now a 10 year commitment is required and many won't enroll in that.
 - Who is or would be responsible for enforcement of BMPs? Every jurisdiction is different.
 - Demonstration of effectiveness of BMPs is important. Cheri is working with NRCS on a BMP demo project on erosion/stream banks to be ready in the fall.
 - Controlling sediment run-off from construction sites should be a primary focus of our efforts.
 - The Lake Olathe WRAPS is a possible source of cost-share funds and a model for properly designed post-construction BMPs.
 - the term “biology” needs clarification in this context.
- It was agreed to add enforcement of BMPs to our objective and clarify the term “biology”.

Issue #3: Nutrient Management:

- Concerns on this issue:
 - Explanatory and clarifying sentence is needed in the issue statement.
 - This watershed has two ecoregions. The limit of <0.10 mg/l of phosphorus may not be correct for both. Heather will check on this.
 - “limit algae blooms” was felt to be too specific and limited as a goal.
 - The term “pollution” conveys what we are trying to say about excessive nutrients better than the term “loading.”
 - The objective should be more specific than the goal.
- It was agreed to change the goal from simply reducing nutrient loading to protecting natural resources and drinking water supplies in the watershed from nutrient pollution.
- Jim Weaver recommended a document from the Kansas Water Office which lays out goals for watersheds: *Attributes, Desired Conditions and Current Institutional Framework for Properly Functioning Watersheds*. The “desired conditions” are the goals and 12 attributes of properly functioning watersheds are given. Reading this document and using it in formulating our own goals and objectives could save us a lot of work. Rick will send a copy by email or it can be found on the web.

Issue #4: Pesticides:

- Concerns for this issue:
 - Explanatory sentence needed in the issue statement.
 - The term “pesticide” technically includes herbicides, insecticides, fungicides and growth regulators.
 - Golf courses and green houses can be heavy users of all of these.
 - We need to be consistent in our treatment of rural and urban areas of the watershed in regard to whether we create separate or overarching goals and objectives.

- It was decided that rural and urban areas would be subsumed under one objective throughout the document. When we start specifying BMPs there will be separate lists for rural and urban needs. We will use the term “pesticide” rather than listing all possible types.

Issue #5: Source Water Protection:

- Concerns for this issue:
 - Have all water suppliers made Source Water Assessments and plans? The answer is no.
 - Plans are useless if they are not implemented and maintained.
 - It is crucial to involve all stakeholders when you write these plans

- It was agreed that our goal is to encourage all public water systems in the LK watershed to develop, implement and maintain SWAPs. Our objective will be to promote their actual use.

Issue #6: Identify/Protect Green Space:

- Concerns for this issue:
 - Condense the issue statement
 - Effective protection of Green space requires political will in the community and enabling mechanisms set forth in planning and zoning ordinances.
 - the term “green space” connotes urban development issues to most people. “Open space” was suggested as a more universal term.

- It was agreed to add an objective to encourage and support jurisdictions in implementing planning and zoning regulations that promote protection of open space.

Issue #7: Water Conservation:

- Concerns about this issue:
 - Drought planning is important but promoting water conservation at all times should be the primary goal.
 - The USGS is now focusing on the importance of maintaining the water cycle and working on the ecosystem level.

- It was agreed to consolidate rural and urban drought management into a single goal and objective for consistency. A goal and an objective promoting water conservation practices were added.

Issue #8: Groundwater Protection:

•Concerns with this issue:

- Can this issue be combined with #10 Water Wells?

- Some of the major municipalities in the watershed use groundwater wells.

- Water wells are also an issue in #5 Source Water Protection. Anything that penetrates more than one level in the water table can be a problem for an aquifer or for groundwater. If you look at the regulations for closing an abandoned well, the main concern is for preventing cross-contamination of aquifers. Many WRAPS work on plugging wells to protect their source water.

- Source water refers to public water supplies. Water wells can be public or private. Some water wells are not used for drinking water, but irrigation or industry.

- Many water wells are unregulated because in Kansas individuals do not need a permit to dig a well. Contractors do.

- Are we protecting groundwater just for wells? Groundwater protection means more than protection from pollution; preventing overuse is also key.

- It was decided that more time is needed to consider this very complex issue. Issues 8 through 10 are tabled until the next meeting.

➤ Discuss the parallel track of the Lower Kansas Assessment & Planning Report with the EPA Nine Element Plan:

The Nine Element Plan will be the watershed plan, a work product. It is the minimum requirement of the EPA for funding. The Lower Kansas Assessment and Planning Report is a grant progress report. Much of what we have already done can be used in the Nine Element Plan.

KDHE will be conducting workshops on the Nine Element Plan in July, 2009.

➤ Other agenda items - SLT attendance policies:

The Lower Kansas WRAPS SLT charter was reviewed. Two individuals may share a member representation. However, the SLT is composed of specific, named individuals. Therefore any alternate must be named and voted on in the regular manner.

The point was made that representatives should be here on a consistent basis so that they are up to date on the work of the group. The charter states that 6 meetings may be missed, but there was consensus that missing this many meetings would leave you completely out of touch. However, it was pointed out that the MARC representatives share meeting proceedings with each other and the SLT benefits from having work and input from two people instead of just one.

The question of regular attendance by agricultural representatives and the need for their perspective was discussed. It was acknowledged that they have special problems because the farm is their livelihood and has to take precedence over meetings. Also driving a long distance to a meeting may take too much time.

Jerry keeps our agricultural members, who are from Leavenworth County, informed about what is going on, makes sure they have copies of documents and solicits and answers questions. He feels that they will become more involved when we move into the actual assessment phase in the Stranger Creek watershed and break into subwatershed focus groups. Their perspectives and votes are crucial in the stakeholder involvement process. This is highlighted by the fact that today we barely have a quorum.

- Jerry Wooley moved that Jennifer Blattman be elected as an alternate to Ginny Moore as representative from MARC. The motion was seconded by Heather Schmidt. The motion was unanimously approved.
- Further decisions on attendance policy were tabled until the next meeting.

►Date and Place of the Next Meeting:

The next meeting will on be Wednesday, July 15, 2009 at the 4H building in Tonganoxie at 9:00 a.m.

Before the next meeting, Rick will send out the revised LK Issues, Goals and Objectives, The Kansas Water Office *Properly Functioning Watershed* document, materials on the EPA Nine Element Plan and the final budget allocation.

The meeting was adjourned at 11:50 a.m.

Respectfully submitted,

Susan Iversen, Secretary