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ADMINISTRATIVE RULES AND REGULATIONS

WATER SUPPLY RESTORATION PROGRAM

K.A.R. 11-6-1. Definitions. (a) "Commission" means the state conservation commission.

(b) "Land treatment" means structures or conservation practices that constitute viable methods of erosion abatement or sediment and pollution control.

(c) "Letter of interest" means an initial written request from a sponsor for a determination of whether a proposed project is eligible for funding.

(d) "Letter of intent" means a letter providing the necessary information for establishing the funds required for a proposed project. Project plans and specifications, budgets, and schedules shall be developed in sufficient detail to support the funding request. The signed letter of intent and supporting documentation shall be reviewed by the environmental review agencies specified in K.A.R. 11-6-6.

(e) "Project" means the restoration of a water supply structure by a sponsor, including land treatment.

(f) "Public water supply" means a water supply that has beneficial municipal use.

(g) "Restoration" means the act of returning an existing water supply structure to safe and efficient functioning, including the installation or repair of erosion control measures and land treatment.

(h) "Restoration plan" means a document providing sufficient details to support the letter of intent.

(i) "Sponsor" means any of the following:

(1) A political subdivision of the state that has the power of taxation and the right to eminent domain;

(2) a public wholesale water supply district; or

(3) a rural water district.

(j) "Total maximum daily load" means the maximum amount of a pollutant that a body of water can receive without violating water quality standards.

(k) "Watershed protection" means land treatment that reduces sediment load and abates erosion.

(l) "Water supply structure" means a structure that impounds a public water supply. (Authorized by and implementing K.S.A. 2007 Supp. 82a-2101; effective Nov. 14, 2008.)

K.A.R. 11-6-2. Eligible components of projects. The eligible components of a project shall include the following:

(a) Engineering, including project design, plans, and specifications;

(b) repairs of the structure and its appurtenant works;

(c) mobilization and demobilization of equipment;

(d) dredge and sediment disposal facilities; and

(e) watershed protection and restoration. (Authorized by and implementing K.S.A. 2007 Supp. 82a-2101; effective Nov. 14, 2008.)

K.A.R. 11-6-3. Letter of interest. (a) Each prospective sponsor shall submit a letter of interest to the

commission to determine if the proposed project is eligible for consideration for funding. The letter of interest shall be submitted on a form furnished by the commission.

(b) In the letter of interest, the sponsor shall provide the commission with evidence that the proposed project meets the following initial eligibility requirements:

(1) The structure shall currently provide local public water supply benefits or be reasonably expected to do so in the future.

(2) The sponsor shall demonstrate that existing or planned infrastructure and practices are capable of preserving the improvements and address watershed protection.

(c) The letter of interest shall be reviewed by the commission and the Kansas water office. The sponsor shall be notified in writing whether the proposed project is eligible for consideration for funding. (Authorized by and implementing K.S.A. 2007 Supp. 82a-2101; effective Nov. 14, 2008.)

K.A.R. 11-6-4. Letter of intent. (a) Any sponsor may submit a letter of intent following receipt of a letter from the commission acknowledging that the proposed project is eligible for consideration for funding. The letter of intent, submitted on a form furnished by the commission, shall include a restoration plan as specified in K.A.R. 11-6-5.

(b) The sponsor shall submit the original of the letter of intent, plus one copy for each environmental review agency specified in K.A.R. 11-6-6, to the commission no later than June 1 to be considered in the budget request for the next state fiscal year. (Authorized by and implementing K.S.A. 2007 Supp. 82a-2101; effective Nov. 14, 2008.)

K.A.R. 11-6-5. Restoration plan. (a) Each restoration plan shall consist of the following:

(1) Restoration scope;

(2) design plans and specifications;

(3) watershed protection plan, if applicable;

(4) cost estimates;

(5) project schedule; and

(6) any other relevant documents that pertain to renovation, protection, or restoration of the water supply structure, as determined by the commission.

(b) Each modification of the original restoration plan shall require the prior notification and approval of the commission. (Authorized by and implementing K.S.A. 2007 Supp. 82a-2101; effective Nov. 14, 2008.)

K.A.R. 11-6-6. Review process. (a) Each letter of intent shall be reviewed by the environmental review agencies listed in K.S.A. 82a-326(b) and amendments thereto.

(b) Prioritization of projects shall be based on the following:

(1) The current use of the water;

(2) the population served;

(3) the age of the structure;

(4) any loss of storage capacity due to sedimentation or deficiencies, or both;

(5) any documented efforts to provide watershed protection;

(6) the status of operation and maintenance;

(7) the current and potential recreational uses of the lake;

(8) specification of whether the watershed has a high total maximum daily load;

(9) any prior use of multipurpose small lake program funds;

(10) the percentage of sponsor funding for the project; and

(11) the proposed location of the project with respect to federal reservoirs that provide water supply.

(c) Each agency's review comments shall be considered by the commission in the final priority-ranking process. Each sponsor shall be notified in writing if that sponsor's proposed project is approved for funding. (Authorized by and implementing K.S.A. 2007 Supp. 82a-2101; effective Nov. 14, 2008.)