

## HOUSE BILL No. 2052

By Representative Otto

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9 AN ACT concerning the water projects environmental coordination act;  
10 amending K.S.A. 82a-327 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 82a-327 is hereby amended to read as follows: 82a-  
14 327. (a) Prior to approval or issuance of a permit for a proposed water  
15 development project, the permitting agency shall obtain a review of the  
16 proposed project for environmental effects by the appropriate state en-  
17 vironmental review agencies, and shall consider their comments in de-  
18 termining whether to approve or issue a permit for such project. *A pro-*  
19 *posed water development project involving a water project which has the*  
20 *capacity to impound less than five acre-feet of water shall not be subject*  
21 *to review by the Kansas department of wildlife and parks.* The permitting  
22 agency may condition the approval of or permit for the project in a man-  
23 ner to address the environmental concerns of the environmental review  
24 agencies.

25 (b) In reviewing a proposed water development project, the environ-  
26 mental review agency shall consider:

27 (1) The beneficial and adverse environmental effects of a proposed  
28 project on water quality, fish and wildlife, forest and natural vegetation,  
29 historic, cultural, recreational, aesthetic, agricultural and other natural  
30 resources;

31 (2) the means and methods to reduce adverse environmental effects  
32 of a proposed project; and

33 (3) alternatives to a proposed project with significant adverse envi-  
34 ronmental effects.

35 (c) Each environmental review agency shall send its written com-  
36 ments on the proposed project within 30 days of receipt of the proposal  
37 from the permitting agency.

38 (d) Nothing in this act shall be construed as prohibiting a permitting  
39 agency from approving or issuing a permit if an environmental review  
40 agency determines adverse environmental effects will result if the project  
41 is approved or permitted. Nothing in this act shall be construed as pre-  
42 empting or duplicating any existing environmental review process oth-  
43 erwise provided or authorized by law.

- 1     Sec. 2. K.S.A. 82a-327 is hereby repealed.
- 2     Sec. 3. This act shall take effect and be in force from and after its
- 3     publication in the statute book.