

October 22, 2014

Mr. Randy Young, Executive Director
Arkansas Natural Resources Commission
101 E Capitol Ave, Ste 350
Little Rock, AR 72201

RE: Comments on draft Arkansas State Water Plan update

Dear Randy,

The Arkansas Chapter of The Nature Conservancy thanks the Arkansas Natural Resources Commission for undertaking the important task of updating the Arkansas State Water Plan. This crucial document will help responsibly and fairly govern the use of water in Arkansas until the year 2050.

The staff of the Arkansas Natural Resources Commission, with help from the Arkansas Game and Fish Commission and the consultants hired to support the process, have done an excellent job of gathering and analyzing the data and working with the diverse group of stakeholders representing all aspects of water use in Arkansas to form the recommendations that will be the basis of the plan.

The public process was well managed, accessible, and allowed all stakeholders an opportunity to be sure that their needs and opinions were heard and understood. The recommendations that came out of the multidisciplinary, multi-agency and stakeholder working groups were voted on by all and prioritized.

The draft, however, contains one recommendation that never rose to a priority in a regional working group or at the final, full state working group voting session. That is the recommendation to remove the 25% excess water rule for non-riparian permits. The Nature Conservancy requests that this recommendation not be included in the plan.

Section 3.3 – The 25% Rule

Currently riparian users may withdraw as much water as they need from a stream or river as long as they don't interfere with other riparian landowners' uses. Non-riparian withdrawals are statutorily limited by the definition of excess surface water, which is defined by ANRC Title 3 as 25% of the average annual yield from any watershed above the instream and riparian needs.

The 25% rule was based on the best hydrologic science at the time it was written. The 25% rule has helped protect farmers and other riparian landowners from over-allocation of water while safeguarding the health of the stream or river.

The highest priority recommendation that came from the working groups was to use the best available science to determine how water needs will be met and still protect fish and wildlife.

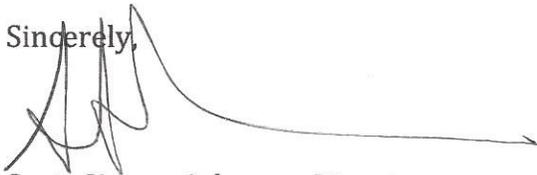
Before removing the 25% rule, a sound scientific and stakeholder-driven evaluation must be performed that determines the maximum amount of water available to water users while maintaining the health of the stream or river.

The results of the supply and demand studies conducted as part of the water plan update process show that there are only a few streams in the state, all in the eastern region, that may need to have the 25% rule removed to fully meet the needs projected by all users, including agriculture, out to the year 2050. Employing best management practices in water conservation will help in this region. If such practices are not enough, a variance from the 25% rule for just these few rivers will solve the increased need for surface water until the year 2050.

A very valuable outcome of the draft Arkansas State Water Plan is the creation of the multi-agency, multi-disciplinary implementation team. This team needs to be a permanent team that guides the recommendations in the draft, addresses changing conditions as they arise, researches the best available science and makes changes as needed.

Thank you for the opportunity to comment on the draft Arkansas State Water Plan and for encouraging The Nature Conservancy to participate in the working group meetings. We hope the new plan guides water use in Arkansas to the benefit of all stakeholders and helps keep Arkansas rivers healthy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Simon', with a long horizontal line extending to the right.

Scott Simon, Arkansas Director
The Nature Conservancy