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“The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value.” — President Theodore Roosevelt

20 October 2014

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

Dear Mr. Young:

The Arkansas Wildlife Federation is the oldest nonprofit fish and wildlife organization in the state of Arkansas, with its origins in Little Rock in 1936. As such, the Federation is composed of numerous members in all corners of the state and from all walks of life including farmers, biologists, attorneys, engineers, recreationists and many other fields, many having professional experience in natural resource management. Therefore, we appreciate this opportunity to comment on the draft Arkansas Water Plan (AWP) Executive Summary. Because this water plan will guide the management of water in the Natural State through the year 2050, this plan is especially important to us as wildlife conservationists in a state with an abundance of wildlife contingent on the abundance and quality of water. There is also a significant economic engine that fish and wildlife drive in this state, to the tune of \$2 billion per year that helps our state’s economy be as strong as it is.

While the Wildlife Federation has been appreciative of the relatively open process that the Arkansas Natural Resources Commission (ANRC) has followed throughout most of the AWP development process, we do have a few significant concerns that we believe need to be amended in the latest draft of the AWP. These include but are not limited to three main areas within the AWP. They are:

Modification of the 25% rule in respect to excess water

In the last water plan and in language still spelled out in ANRC Title 3, water withdrawals by non-riparians are statutorily limited by the definition of excess surface water. Excess surface is defined as that amount of water above 25% of the average annual yield from any watershed. This 25% buffer protects riparian landowners, farmers, industrial users, recreationists (and the related economic gains) and fish and wildlife instream flows. The draft AWP’s recommendation of removing the 25% rule in the definition of excess water and then working on a study to identify how much water should be reserved did not come out of the collaborative stakeholder process. Instead, in this “cart before the horse” model, farmers and other private landowners will not have this protection the 25% rule provides in the face of over-

allocation of water. **A better scenario and recommendation is to conduct a sound scientific and stakeholder driven process before any modification of the 25% rule is done so that the maximum amount of water that can be available from a stream or watershed is determined while still maintaining the health of the stream or river.** And this is exactly what was agreed upon in the ANRC's stakeholder process which strengthens the trust and collaboration potential between ANRC and all the other agencies, organizations and entities that worked for a year on this plan development.

Water Quality

Arkansas has some of the best water quality of any state in the United States and a plan to manage the waters of the state would be shallow if the quality of the water was not considered along with the quantity of it. In fact, water quality and water quantity are intimately related and they can't be considered in a vacuum of just one or the other. The trout die offs in the North Fork and White River tailwaters in north Arkansas are excellent examples of where just ample amounts of water flowing from beneath the dams was not sufficient to keep the invaluable trout fishery intact....ample levels of dissolved oxygen also had to be present or substantial fish kills entailed. The AWP should address water quality and quantity issues together. **Basin specific flow objectives should be created that produce rivers with high quality water in healthy quantities.**

Unfortunately, water quality in the US and even in Arkansas has declined in many waters and more than 40 Arkansas streams have been added to the 303d list of impaired waters. To rectify this decline in water quality, the AWP needs to have stronger recommendations on the water quality aspects of the plan. **The AWP should specifically acknowledge and endorse all the water quality regulations and management strategies adopted by the Arkansas Department of Environmental Quality in their Regulation #2.**

Future Multi-Disciplinary Teams

In order to carry out all the objectives of the AWP, multi-agency/group, multi-disciplinary implementation teams will need to be created to oversee the numerous components of the water plan. **These future teams should be instituted as permanent bodies to address changing conditions as they arise, be able to research the best available science, work together and recommend changes as needed.** The AWP needs to be a "living document" and teams need to be developed on a permanent ongoing basis.

In closing, the Arkansas Wildlife Federation appreciates the opportunity to comment on this important water conservation document. It is only by working in an open and collaborative way that the waters of Arkansas can be maintained and improved to be in a natural state.

Sincerely,

Ellen McNulty, President