

Randy Young
Executive Director
Arkansas Natural Resources Commission

Dear Mr Young:

I am writing on behalf of the Arkansas Canoe Club. The ACC is a recreational organization consisting of over 600 member households representing seven chapters in Arkansas, Louisiana, Oklahoma and Texas. ACC members love to paddle the rivers, streams, bayous and lakes of Arkansas and beyond. We are the second largest organization of our kind in the US. Our motto is Recreation, Education, Conservation.

We understand that because of Ozark mountains streams like the Buffalo National River and wetlands of international importance such as the Big Woods of eastern Arkansas our state is a national treasure. Our abundant supplies of clean water and intact ecosystems are the reason for this and predictably will be the source of our greatest future growth. According to the Outdoor Industry Association 10 billion dollars are spent annually on outdoor activities. 2.9 billion are received in wages and salary and 696 million dollars go to the state from local taxes and revenue. Outdoor activity creates 125,500 jobs in Arkansas. People have an insatiable need to recreate in natural places. We have access to healthy, thriving lakes and streams. The potential for outdoor recreation in Arkansas has barely been touched and must be protected for future generations.

We have been involved in the water planning process since the beginning representing recreational interests. The Arkansas Canoe Club was included in a joint letter with many of our conservation partners. We were involved in the writing of that letter and agree with all of the points made in it. We include the text of that letter below.

We appreciate this opportunity to comment of the draft Arkansas Water Plan Executive Summary. We appreciate the open process the Arkansas Natural Resource Commission (ANRC) has worked with farmers, recreationalists, scientists and policy makers for the past three years to update the Arkansas Water Plan (AWP).. The AWP will guide the use, management, and development of our water resources through the year 2050, and it is critical that the AWP apply the appropriate policies and best practices to manage this precious resource.

This long-term collaborative effort has led to a plan that begins to address the many issues that are essential to securing Arkansas's water future. However, there are very important areas that we believe should be amended in the current draft. These are:

Section 3.3 – The 25% Rule

A great deal of time, money and effort was spent by farmers, recreationalists, scientists and policy makers to formulate recommendations that will help solve

water issues in Arkansas. Currently riparian users may withdraw as much water as they need from a stream so long as they don't interfere with another riparian landowner's use. Withdrawals by non-riparians are statutorily limited by the definition of excess of surface water which is defined by ANRC Title 3 as 25% of the average annual yield from any watershed above that amount.

Removing the 25% rule in the definition of excess water did not emerge as a priority recommendation of the collaborative stakeholder process. What did emerge was a recommendation to use the best available science to determine how water needs will be met while protecting fish and wildlife. The current rule is based on the best available science of 20 years ago. The 25% rule helps protect farmers and private landowners from over-allocation of water. It has worked adequately and withstood the test of time. The only reason the working groups voted for changing it was in order to take advantage of improved scientific knowledge, which will do an even better job of determining individualized instream needs.

Before removing the 25% rule a sound scientific and stakeholder driven process must be performed that determines the maximum amount of water available to water users while maintaining the health of the stream or river. This is what was agreed to in the stakeholder process. Changing the rule before the science is complete undermines the trust ANRC gained through the stakeholder process and will create greater uncertainty and conflict between water users.

Water Quality

Arkansas has abundant high quality water and according to a Congressional study completed in 2001, the aquatic ecosystems of the Ozark Highlands and the Ouachita Mountains have the highest integrity of any of their kind in the nation. Aquatic ecosystems are a valuable indicator of the suitability of water for many human uses and play an important role in maintaining water quality. Healthy aquatic ecosystems also support healthy fisheries that are important to people for both food and sport. This fact is a great benefit to Arkansas citizens and, if maintained, could insure a bright future for our state, environmentally and economically. However, since 2001, water quality has been in steady decline around the nation and in Arkansas. More than forty streams have been added to the 303d list of impaired waters in the state. TMDLs are required but there is no statutory requirement to address impaired waters within any time frame, resulting in a continuing decline in water quality. How do we address this issue? What can the new Arkansas State Water Plan do to help?

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The Arkansas Department of Environmental Quality is tasked with protecting the quality of the waters of the state under their regulatory authority. Regulation 2 states that these "standards are designed to enhance the quality, value, and beneficial uses of the water resources of the State of Arkansas, to aid in the prevention, control and abatement of water pollution, to provide for the protection and propagation of fish and wildlife and to provide for recreation in and on the water." The Arkansas State Water Plan should acknowledge and endorse all the water quality protections and management strategies adopted into ADEQ Regulation Number 2.

- Water quantity and water quality are inextricably connected and their relationship is complex. Healthy stream flows help maintain water quality while high quality water helps aquatic systems to function better in periods of low flow. The Arkansas State Water Plan should address quality and quantity together. Basin specific flow objectives should be created that produce rivers containing high quality water in healthy quantities.

- The Arkansas State Water Plan will create multi-agency, multi-disciplinary implementation teams to oversee various components of the water plan. These teams should be instituted as a permanent body to address shifting conditions as they arise, research the best available science and recommend changes as needed. State agency staff is knowledgeable, and committed to protecting the environment, with authority and resources to keep Arkansas streams healthy.

Thank you for the opportunity to comment on this important water conservation policy initiative. We again appreciate the open and inclusive process used throughout this revision process.

Sincerely,

Debbie Doss
Arkansas Canoe Club
Conservation Chair
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