



## United States Department of the Interior

NATIONAL PARK SERVICE

Buffalo National River  
402 N. Walnut, Suite 136  
Harrison, Arkansas 72601

IN REPLY REFER TO  
1.A.2 (BUFF)

June 1, 2014

Chairman Lynn Sickle  
Arkansas Pollution Control and Ecology Commission  
101 E. Capitol Avenue, Suite 205  
Little Rock, AR 72201

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Dear Mr. Sickle:

This letter is in comment to the draft rulemaking regarding Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation 6 (Arkansas Pollution Control and Ecology Commission Docket #14-004-R).

Buffalo National River was established by Public Law 92-237 on March 1, 1972. The preamble to the law states in part:

*“That for the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior may establish and administer Buffalo National River.”*

It was the intent of Congress and the President to conserve the Buffalo River for the benefit of the people.

Most of the visitors to Buffalo National River engage in water based recreation including swimming, canoeing, and fishing. The national river is also a popular location for baptisms. Because the Buffalo River is an “Extraordinary Resource Water” and a “Natural and Scenic Waterway” under ADEQ Regulation #2, it is supposed to be protected by the “Antidegradation Policy” which states that “Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.” This long history makes it vitally important to protect the quality of the water coming into the river from tributaries.

Since 1989 the NPS has collaborated with ADEQ in the collection and analysis of water samples from a network of nine sites in the Buffalo River, 20 tributaries, and three springs. Our staff has collected the physico-chemical parameters and analyzed the samples for fecal coliform and/or *Escherichia coli* while the ADEQ lab has run the samples for nutrients. This has been a very fruitful partnership that has improved both agencies data.

We also partner with a variety of other State and Federal land management agencies and non-governmental organizations in the effort to conserve the national river. This includes the U.S.

Forest Service, U.S. Fish and Wildlife Service, Arkansas Game and Fish Commission, Arkansas Natural Heritage Commission, Arkansas State Parks, and The Nature Conservancy. It seems only right to notify these agencies and organizations if there will be a CAFO being built near their lands. In light of these partnerships and the special status of the Buffalo River as the nation's first "National River" we are offering two amendments to the proposed rulemaking:

6.207(A): The National Park Service requests an amendment to the proposed rulemaking to add the following text as 6.207(A) (5):

*(5) Administrators of State and Federal land management agencies and Non-Governmental Organizations who manage property within 10 miles of the CAFO production site and/or the manure spreading sites, or which manage property downstream of the CAFO production site and/or the manure spreading sites.*

6.207(E): The National Park Service requests an amendment to the wording in the proposed rulemaking to the following text to 6.207(E):

*The applicant shall publish adequate notice of the proposed CAFO in the paper of largest circulation in the county or counties of the CAFO production site and/or manure spreading sites. ADEQ shall determine the form of that notice, the minimum number of publication dates, and the proper paper for publication to ensure robust public notice is given.*

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We feel that these amendments will better serve the public, private landowners, NGOs, and the State and Federal lands within the State of Arkansas.

Sincerely,



Kevin G. Cheri  
Superintendent