

From: [Cowper Chadbourn](#)
To: [WaterbodyComments](#)
Cc: ["Friends of the Rivers"; Scheiman, Dan; comments@whiteriverwaterkeeper.org](#)
Subject: Public Comments on 2018 Draft 303(d) List
Date: Sunday, September 9, 2018 9:05:16 PM

As a citizen who cares about the water quality of all our rivers and streams, I am writing to express my concern about the way several were categorized in the draft 2018 303(d) list of impaired waterbodies. In particular, I am in strong disagreement with the classifications proposed in the 2018 draft 303(d) list, on the following points:

1. Classification of the Buffalo River (AR_11010005_011 and AR_11010005_010, and Big Creek (AR_11010005_020 and AR_11010005_022) as 4-b is not justified, because the justification references the existence of the Buffalo River Watershed Management Plan (BRWMP) as a primary justification for classification as 4-b. However, the BRWMP is very clear that it does not address known point source concerns, and self-describes as "a voluntary and nonregulatory project". Further, many believe that the degradation of these reaches of river may be due to the presence of a known point source which is only mentioned, but not addressed by the BRWMP, and cite some of the available data as a basis for their beliefs. Thus, classification as 4-b does not meet the regulatory requirements or intent of the Clean Water Act for regulatory action to restore water quality of degraded waterways, both because it will not require examination of point source concerns at all, and because the actions recommended for the non point source challenges will be considered entirely voluntary and as such may or may not actually occur.
2. Fourche Creek (AR_11110207_024) is classified as 5 - Low. A classification of 5 - low will not lead to additional actions needed to restore water quality. Fourche Creek is currently being promoted by the City of Little Rock as a recreational destination for fishermen and paddlers, and as such deserves additional attention. I believe that Fourche Creek water quality data should be reexamined and Fourche Creek should be assigned a higher priority for the following reasons:
 - a. Until the 2016 303(d) list, Reach 22, from the confluence of Rock Creek and Fourche Creek to the Arkansas River, had been listed as impaired for not meeting the designated use for aquatic life/fisheries. In the 2016 303(d) list, no designated uses were listed as impaired and the 2018 303(d) list Reach 22 was not listed as impaired. Unless there are data to support delisting, Reach 22 should still be listed as impaired.
 - b. In the 2008 303(d) list, Reach 24 and 22 were listed as impaired because the designated uses primary contact and aquatic life were not met. In addition, the priority ranking for aquatic life in Reach 22 was high (Category 5a). A Category 5a in 2008 warranted a TMDL. A TMDL should be set and aquatic life should still be listed as not supported.
 - c. The source of contaminants has been identified as unknown and/or surface erosion. Given the urban nature of the creek and the astonishing amount of trash in the creek, urban runoff clearly should be listed as a source of contaminants. Photos of tires dumped into the river and of typical trash accumulations are attached. I believe that "Other – trash and litter accumulations" should be listed as one of the bases for classification as 5 – high, and that regulatory actions to address this degradation mechanism should be developed and implemented.
 - d. Primary and secondary contact uses should be listed as not being supported because of pathogenic indicator bacteria. During major floods sewer main lids in the floodplain pop so raw sewage is released directly into the creek. Data collected by the Friends of Fourche Creek in 2016 show that E. coli counts spike after storm events. Although Little Rock has spent significant money in attempts to address this problem, progress has been slow and they recently received an extension to 2023 on actions required under a lawsuit settlement.
3. Bayou DeView (AR_08020302_002) and Buffalo Creek (AR_08020302_014) are currently proposed for classification as 5 - low, but should both be classified as 5 - high. Bayou DeView provides a unique outdoor experience that could bring additional, much needed tourism dollars to the region. Classification as 5 - high would insure the actions needed to restore and preserve this resource are developed and implemented. Buffalo Creek should also be given this higher classification due to its importance as a major tributary and thus contributor to

water quality in Bayou DeView.

Sincerely,

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Attachments:

2 photos showing litter accumulations in Fourche Creek. Note, these are typical of many such accumulations found along the length of this creek and in low-lying areas that are connected to the creek during high water events each year.

1 photo showing tires illegally dumped well below the high water line in Fourche creek. Literally hundreds of tires have been removed from the creek each year for the last several years.