

EXECUTIVE SUMMARY

This third party rulemaking petition is to propose a modification of the Arkansas Water Quality Standards Regulation Number 2 of the Arkansas Department of Environmental Quality (ADEQ), which is currently undergoing triennial review mandated by law. The proposed modification is to add a section of Crooked Creek to the list of Extraordinary Resource Waters for the Ozark Highlands Ecoregion. The area of classification is from the confluence of Crooked Creek and Hazzah Creek, approximately 9.3 stream miles below Harrison, Arkansas, to the Highway 14 Bridge near Yellville, Arkansas, a total length of approximately 39.5 miles.

Crooked Creek has long been controversial due to its use for gravel mining in specific portions of the creek, and the world-class smallmouth bass fishing available in other portions of the creek. This proposed modification would allow continued gravel mining in the areas already proven as worthwhile gravel sources, while protecting the unique outstanding smallmouth bass fishing area as the Extraordinary Resource Water it is.

The proposed stream segment does not currently have mining operations present, and apparently has not been mined since 1986. There are no gravel mining permits pending before the Pollution Control & Ecology Commission, nor with the Arkansas Department of Environmental Quality for this stream segment. Therefore, the proposed ERW designation will have no direct financial impact on property owners along the Creek.

Furthermore, the stream segment proposed to be classified as an Extraordinary Resource Water is specifically defined and limited to avoid any financial impact on municipal wastewater treatment operations for Yellville and Harrison. The downstream distance from Harrison Arkansas is sufficient to negate the impact of the city's municipal waste discharges.