

**From:** [Andrew L Lee](#)  
**To:** [comments@whiteriverwaterkeeper.org](mailto:comments@whiteriverwaterkeeper.org); [WaterbodyComments](#); [drewleeezarks@gmail.com](mailto:drewleeezarks@gmail.com)  
**Subject:** Andrew L Lee Comments re: Draft 2018 303(d) List  
**Date:** Sunday, September 9, 2018 9:17:39 PM  
**Attachments:** [Public Comments on Arkansas's Draft 2018 303\(d\) List of Impaired Waterbodies 2018 303d Comments.pdf](#)

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Below are comments submitted by Andrew L Lee through White River Waterkeeper's public comment form. Please confirm receipt of this submission.

<b>Email address</b>	<a href="mailto:drewleeezarks@gmail.com">drewleeezarks@gmail.com</a>
<b>Full Name</b>	Andrew L Lee
<b>Mailing Address</b>	182 N Crider Ave
<b>Your connection to Arkansas waters</b>	<p>I am a native Arkansan. I grew up swimming in the West Fork of the White River, and spent boyhood summers on the Buffalo National River and on our many lakes and streams. I am also an avid floater and hiker and enjoy the Kings, Mulberry, Cossatot, and White Rivers, as well as Big Piney, War Eagle, Richland, and Little Sugar Creeks. I have watched the water quality and habitat in many of the streams degrade over the years, and growing up I became aware of threats and damage to the White River caused by industrial agriculture. I am also deeply troubled by the water degradation caused in Crossett by the Georgia-Pacific paper mill, and the threat of degradation on the Ouachita River if a mill is built in Arkadelphia. Most important to me is the Buffalo River and the threats it is facing , specifically the controversial CAFO on Big Creek. I am a lover of water and a believer in protecting it. We all need it and use it. Water is life.</p>
<b>Has nuisance algae affected your recreation experiences?</b>	Yes
<b>How are you affected by Arkansas Water Quality</b>	<p>I am an Arkansas resident. I have a business or property in Arkansas. I own property near a river, stream, lake, or spring. I recreate on or near a river, lake, or stream.</p>
<b>Nuisance Algae</b>	
<b>Provide specific information about the waterbody or</b>	<p>There has always been too much algae in the White River, which stinks of agri runoff in many places as</p>

**waterbodies where nuisance algae have been observed.**

well. Algae blooms on the Buffalo, particularly below Carver access, have grown worse over the last five years as well.

**In the examples you described above, would you consider observed algal densities to be "objectionable?"**

Yes, all were objectionable in my opinion.

### **Habitat Degradation**

**Have declines to physical habitat impacted your recreation experiences?**

Yes

**Please describe your observations of water quality degradation due to changes in habitat.**

There is too much non-native sediment in so many of our waterways. Eroded and failing riparian zones on the White River worry me a great deal and are not pretty to look at. Fish habitats are threatened, and recreation on many creeks is disrupted by eroded banks and erratic flow.

**How are you impacted by water quality degradation attributed to habitat declines?**

The quality of my recreation declines, andi worry that the water running through the spring on my family's land in Washington County is threatened.

### **Categorical Determinations**

**Do you believe in state-led local approaches?**

Yes

**Do you think it is important to ensure federal regulations are met when proposing a plan to restore significant state and federal natural resources, such as the Buffalo National River?**

Yes

**Do you believe it is**

<p><b>important for any plan to include both point and nonpoint sources of pollution?</b></p>	<p>Yes</p>
<p><b>At this time, do you believe ADEQ should follow the Clean Water Act and federal regulations to prioritize impaired waterbodies for a TMDL until they have provided adequate recommended documentation (2016 IRG) and met all legal requirements (40 CFR 130.7)?</b></p>	<p>Yes</p>
<p><b>Federal Requirements</b></p>	
<p><b>Do you believe ADEQ should consider peer-reviewed literature, tax-payer funded research, expert reports, and agency recommendations to identify and report water quality impairments?</b></p>	<p>Yes</p>
<p><b>35% of variable 106 Grant Funding received by the state each year is dependent on impairment listings. When assessment methodologies are lacking or absent, how should the state proceed with assessment decisions?</b></p>	<p>Even though I understand I would have the opportunity to review justifications and provide public comments on any 303(d) listings utilizing best professional judgement and a weight-of-evidence approach, I do not support ADEQ making any case-by-case decisions when methodologies were not predetermined.</p>
<p><b>How strongly do you feel that designated Outstanding National Resource Waters (e.g., Buffalo,</b></p>	

**Strawberry, Spring, Eleven Point, and Mulberry Rivers) should be allowed to violate water quality standards LESS frequently than channelized streams (aka ditches)?**

Very strongly. We have a limited number of waters with ONRW designations in the state. As "The Natural State" we should hold our most protected waters to a higher level of expectation.

**When numeric criteria do not exist, and narrative descriptions of water quality standards are in place, how do you think the state should proceed with assessments?**

Consider all relevant data and information and take a weight-of-evidence approach to developing a determination. The state must provide a rationale and supporting documentation with assessment decisions. As long as the state is forthcoming and transparent, I believe best professional judgement, supported with scientific evidence, has an appropriate place in this regulatory process.

**States are required to develop their lists based on EPA approved Water Quality Standards. Although states may anticipate changes, states are not allowed to incorporate revised criteria until EPA has approved them for Clean Water Act purposes (e.g., development of list of impaired waters). Do you think this federal requirement is important to follow?**

Yes. The EPA approval process ensures water quality standards are backed by defensible science. This is essential for protecting and restoring water quality.

**Do you believe pictures should be considered for determining if water quality criteria are being met, such as determining whether algae have reached "objectionable" densities?**

Yes

**Do you think**

**waterbodies should be listed as impaired when scientifically defensible research confirms population declines to federally threatened and endangered species?**

Yes. Of course. Properly identifying waters is important to the recovery of imperiled species.

**Additional Comments**

**Please provide any additional comments you may have on Arkansas's Draft 2018 303(d) List of Impaired Waterbodies.**

I refer you to the comments submitted by Jessie Green of White River Waterkeeper, as well as those made by Teresa Turk of Ozark River Stewards. Also the BRWA and Audobon Society.

**Will you be submitting pictures to ADEQ in a seperate email or have you already?**

No

**Do you wish to grant White River Waterkeeper permission to post your comments on our website?**

Yes

**Do you think ADEQ should post comments on their website as they come in, and as is standard protocol for other administrative procedures carried out by the Department?**

Yes. This is important to public transparency, allows commenters to ensure their comments were received, and serves as a valuable resource to the public and press.

**Do you have any scientific reports or studies that you wish to submit to ADEQ to supplement your comment record?**

No

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