

Comments 303d List 2018

I am writing on behalf of the The Arkansas Watertrails Partnership (AWP). AWP is a nonprofit 501(c) 3 organization initiated to provide volunteer public support for the Arkansas Game and Fish Commission's (AGFC) water trails program. The aim of the Arkansas Water Trails Program is to highlight Arkansas as prime paddling territory. The program is at the forefront of creating a system of water trails throughout the state. The AWP also works with several other state and federal agencies and NGOs to build and maintain water trails and water trail accessible camping. We provide information to paddlers about water trails and promote conservation and "Leave no Trace" outdoor ethics through education and cleanup projects.

As an organization that depends on healthy streams to attract all manner of outdoor lovers to the beautiful state of Arkansas, we care about the water quality of all our rivers and streams. It is those intangible values that are mentioned in our state regulations that seem to slip through our fingers every year. I have been involved in water conservation efforts for nearly 20 years in Arkansas and have never been more concerned about the apathy and lack of desire to protect the special qualities of The Natural State! The 303d list was created to identify degradation of our streams, with an eye toward making things better. Instead, it is a list of our growing failures, that has been neglected by all of us. The time has come for this list to actually mean something! We support better leadership that cares, more funding and independent science.

In the meantime, we are writing to add our concern about the way several streams were categorized in the draft 2018 303(d) list of impaired waterbodies. In particular, I we are in strong disagreement with the classifications proposed in the 2018 draft 303(d) list, on the following points:

- 1) 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 is part of a National Wildlife Refuge that was identified by the Ramsar Treaty as a wetland of international importance. It helps draw millions of hunters to this region yearly. It is the site of one of Arkansas' most popular state water trails, and the largest number of old growth cypress in the state grow here. Bayou DeView provides a unique outdoor experience that could bring even more 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.
- 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) 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.

Sincerely,
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