

From: [Michael G. Haley](mailto:susymike@madisoncounty.net)
To: comments@whiteriverwaterkeeper.org; [WaterbodyComments](#); susymike@madisoncounty.net
Subject: Michael G. Haley Comments re: Draft 2018 303(d) List
Date: Sunday, September 9, 2018 12:03:17 PM
Attachments: [Public Comments on Arkansas's Draft 2018 303\(d\) List of Impaired Waterbodies 2018 303d Comments.pdf](#)

Below are comments submitted by Michael G. Haley through White River Waterkeeper's public comment form. Please confirm receipt of this submission.

Email address	susymike@madisoncounty.net
Full Name	Michael G. Haley
Mailing Address	1521 Madison 2410
Affiliation (if applicable)	N/A
Your connection to Arkansas waters	My business depends on tourism and we get our water from a spring that begins on our property.
Has nuisance algae affected your recreation experiences?	Yes
How are you affected by Arkansas Water Quality	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. My income is impacted by Arkansas water quality (e.g. fishing guide, outfitter, rental owner, or tied to other tourist related industries).
Nuisance Algae	
Provide specific information about the waterbody or waterbodies where nuisance algae have been observed.	We and our guests float the Buffalo River several times a year. In the past couple of years, the algae has gotten thick, notably in the section of below Pruitt/ the Little Buffalo, and it was much worse this year than last.
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.

Well, the amount of algae certainly made paddling and camping along the river less enjoyable, and I suspect many tourists felt the same.

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

My wife and I are potters and our business is impacted by the number of tourists who come to this area for vacations and recreation. Less tourists mean less business.

Categorical Determinations

Do you believe in state-led local approaches?

State-led approaches could certainly work in theory unless the state fails to adequately meet the federal requirements

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 important for any plan to include both point and nonpoint sources of pollution?

Yes

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

Yes

provided adequate recommended documentation (2016 IRG) and met all legal requirements (40 CFR 130.7)?

Federal Requirements

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?

Yes

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?

ADEQ should be proactive and protective when making assessment decisions. EPA does not approve Assessment Methodologies, just that whatever rationale is provided for an assessment be scientifically valid. ADEQ employs nearly a dozen biologists and ecologists in the Water Division. I trust that they can apply themselves to develop a sufficient rationale to justify decisions when defined methodologies are absent.

How strongly do you feel that designated Outstanding National Resource Waters (e.g., Buffalo, 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

Consider all relevant data and information and take a weight-of-evidence approach to developing a

descriptions of water quality standards are in place, how do you think the state should proceed with assessments?

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

Will you be

submitting pictures to ADEQ in a separate 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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