

From: [Michael Luther](#)
To: comments@whiteriverwaterkeeper.org; [WaterbodyComments](#); mjluther52@gmail.com
Subject: Michael Luther Comments re: Draft 2018 303(d) List
Date: Saturday, September 8, 2018 1:27:03 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 Luther through White River Waterkeeper's public comment form. Please confirm receipt of this submission.

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| Email address | mjluther52@gmail.com |
| Full Name | Michael Luther |
| Mailing Address | 64804 |
| Affiliation (if applicable) | citizen |
| Your connection to Arkansas waters | Numerous visits to the North and Northwest Arkansas region for recreation and tourism. |
| Has nuisance algae affected your recreation experiences? | Yes |
| How are you affected by Arkansas Water Quality | I am an out of state resident, but I visit Arkansas. I recreate on or near a river, lake, or stream. |
| If you do not live in Arkansas, how often do you visit the state? How many days a year do you typically stay in Arkansas? | Five to Ten |
| Nuisance Algae | <p>As a citizen of the planet I am unhappy to learn of the increasing and rapid decline of the karst and surrounding watershed of the Buffalo River basin and the river itself.</p> <p>My several visits upon the river during the 70's and early 80's just shortly after the park was dedicated are still remembered fondly. The experiences were some of the most pleasant I have had visiting a National Park anywhere within our national system.</p> |

Provide specific information about the waterbody or waterbodies where nuisance algae have been observed.

From Boxley at the upper to the confluence at the White, amazing scenery was to be had at every turn. Living in Missouri at the "Gateway to the Ozarks" I have seen how the proliferation and mismanagement of industrialized animal breeding, the use of manure and offal for crop fertilization and the resulting run-off as well as the poor or non existent enforcement of regulations that these interests are supposed to operate by continue to distress, nearly beyond repair many watersheds, rivers and streams in the region. The recreational opportunities and the revenues once garnered from them have been reduced and supplanted by these industrial concerns so that future generations will find it difficult to experience the beauty or enjoy the clean environment that once was.

It may be argued that industry coexist with these natural treasures and certainly the economy of a region does depend on many sometimes competing interests. Unfortunately, the bottom line of certain large scale agri-businesses and the influence their representatives exert in the processes have superseded the general well being of what once was a thriving, relatively unspoiled ecosystem, much to the demise of the region's worth and pride.

Is it not possible that the cost of responsible regulation, enforcement and proper stewardship by the industries and the departments charged with their oversight be shared equally with the public which I believe would pay a few cents more per pound if they care to consume these products.

Additionally, the retail juggernaut born within the region may also do well to invest some energies for something just as substantial and meaningful as their shining monuments to culture and entertainment in town.

Thank you for this forum to allow for some consideration for the future of this important resource. Michael Luther Joplin, Missouri

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

Yes

recreation experiences?

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

Just having to experience the spoils of improper land use that negatively impacts the quality of life and enjoyment of the region at the confluence of the Buffalo and White rivers should be enough for concern for these two important waterways.

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

Having had a relatively pristine experience early in the Parks history as apposed to what it has become is concerning to me.

Categorical Determinations

Do you believe in state-led local approaches?

Being that past efforts at stewardship has failed a more collaborative approach of stat and private effort may be more effective.

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

Yes

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?

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.

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)?

Pollution from any source directed into any body of water, river or stream should be subject to a standard that does not degrade the system as a whole.

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

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

assessments?

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?

Well documented and sourced evidentiary photos would be helpful to identify problem areas.

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

As an SW Missouri resident I have witnessed the results here of unenforced water quality standards. Despite Federal and State regulations that are already in place that are meant to rein in the animal breeding and processing facilities as well as commercial and residential zoning practices, overall water and land

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| Waterbodies. | quality continues to diminish. |
| Will you be submitting pictures to ADEQ in a seperate email or have you already? | Yes |
| 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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