



United States Department of the Interior
NATIONAL PARK SERVICE

Buffalo National River
402 N. Walnut, Suite 136
Harrison, AR 72601

IN REPLY REFER TO:

1.A.2. (BUFF)

December 20, 2012

Teresa Marks, Director
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Dear Ms. Marks:

Recently we received questions from the public about a proposed hog farrowing operation being planned on Big Creek near Mt. Judea, Arkansas. Big Creek is a major tributary to the Buffalo River and confluences at the Carver Access, a major visitor use access. Upon researching the validity of these inquiries, we discovered that your office issued a NPDES permit to a Mr. Henson of C&H Hog Farms (ARG590001-AFIN 51-00164) for a Concentrated Animal Feeding Operations General Permit for a large farrowing operation on Big Creek, unknown to the staff of Buffalo National River. We were very surprised that you went forward with the issuance of this permit that most certainly threatens the water quality of Buffalo National River without consultation with us or without notifying us of the open comment period.

We are trying to gather information about this new proposed confined animal operation and would like to request any information you have on the location of the proposed farm, on the procedures that you used to announce this permit application, and about what safeguards you have imposed or that you propose to keep the animal waste from polluting the river. In general, we are very concerned about the potential impact upon the water quality of Buffalo River.

There are several resources—both natural and economic—at risk by allowing this permit to stand and allowing a concentrated animal feeding operation to go forward so close to Buffalo River. On February 14, 2012 (Docket No. FWS-R3-ES-2010-009) the U. S. Fish and Wildlife Service (USFWS) published a rule in the Federal Register listing the snuffbox (*Epioblasma triquetra*) as endangered under the U. S. Endangered Species Act (ESA) of 1973. The snuffbox has been found in Buffalo River, primarily downstream of the Big Creek confluence. Also, in the Federal Register (Volume 76, Number 207) on October 2011, the USFWS listed rabbitsfoot (*Quadrula cylindrica cylindrica*) a candidate species, also found within several locations within the river. National Park Service policy requires that any listing of threatened or sensitive species be considered as threatened and endangered within the management of park units. Furthermore, also in October 2011, the park was contacted by USFWS and was informed that a 90-Day Petition Finding resulted in the Ozark Chub (*Erimystax harrisi*), Ozark Shiner (*Notropis ozarcanus*), Western Fanshell (*Cyprogenia aberti*), and Purple Lilliput (*Toxolasma lividus*) being considered for listing. All of these species are found within Buffalo River and possibly within Big Creek. We would like to know if you considered these listed species during your evaluation process in issuing the NPDES permit.

As a federal agency, we are committed to working cooperatively to protect the waters of Buffalo River and to re-establish populations of sensitive native species within the park ecosystems. This can only be accomplished through collaborative efforts between state, county, and the public. ADEQ is Buffalo

National River's greatest partner in the task of preserving the water quality of Buffalo River as your agency has been empowered by the U. S. Environmental Protection Agency (EPA) to implement the Clean Water Act on behalf of the State of Arkansas. Water quality is the most important resource within the park, and these threatened species all depend upon good water quality. In the mid 1990s, ADEQ placed a moratorium on all new permitting of liquid waste agricultural systems within the watershed of Buffalo River. In considering the role that water quality plays in the preservation of these species, we would like to ask ADEQ to consider reinstating the moratorium, if it was lifted, on any new liquid waste systems within the watershed of Buffalo River while we work with our partners and the U. S. Fish and Wildlife Service to plan a management response to the listing of all these new species.

Buffalo National River receives approximately 1.5 million visitors per year that visit to canoe, fish, and to swim. The park has 17 concessioners who rent canoes, kayaks, rafts, and johnboats. Many other private operations such as lodges, cabins, restaurants, and stores service the needs of the visiting public of Buffalo National River. Visitors to the park generate approximately 4.7 million dollars a year in regional revenues with approximately 93% of the revenue coming from visitors that travel from outside of the local area. The revenue the park generates creates approximately 594 local jobs that service the tourism industry centered on Buffalo National River. Visitors can participate in water based recreation without worry of contracting water borne illnesses. By allowing this confined animal operation permit to go forward, you may be placing much of the economic benefit of the Buffalo National River at risk as local and regional economies will be impacted if the waters of Big Creek become polluted with animal waste.

A recent internal evaluation of four years of water quality monitoring found low concentrations of *Escherichia coli* in the surface waters of Big Creek with geometric means well below Arkansas Water Quality Regulation standards for recreation contact (15 cfu/100ml). During this period of monitoring, only one single sampling event at base-flow exceeded the standard for a single sample maximum (687 cfu/100ml). Therefore, at present, there is no known problem or issues associated with animal waste contamination and water base recreation in Big Creek, nor in the Buffalo River below the confluence. We would like to request information from your water quality staff on specifically how the confined animal operation waste management plan will keep animal waste pollution out of Big Creek and Buffalo River, and we would like to request information on how your monitoring efforts would ensure that Buffalo River will remain safe for water based recreation.

The National Park Service cannot safeguard the waters of the Buffalo River without your cooperation. Unless we work together on this shared responsibility, the waters of the Buffalo River will go unprotected, and a national resource will be harmed.

Sincerely,



Kevin G. Cheri
Superintendent

Cc: Governor Beebe, Senator Boozman, Senator Pryor, Congressman Crawford, Congressman Womack, U.S. Environmental Protection Agency Region 6, U. S. Fish and Wildlife Service, Arkansas Canoe Club, and National Parks and Conservation Association, and Ozark Society