



Keeping the Natural State natural.

Arkansas Game and Fish Commission

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May 8, 2013

Doug Szenher
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118

Re: Proposed changes to Regulation No. 2, As Amended; Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas

Mr. Szenher,

Biologists with the Arkansas Game & Fish Commission (AGFC) have reviewed the proposed changes to the above referenced regulation (Reg. 2) and are offering the following comments and recommendations.

Reg. 2.502 Temperature:

Heat shall not be added to any waterbody in excess of the amount that will elevate the natural temperature, outside the mixing zone, by more than 5°F (2.8°C) based upon the monthly average of the maximum daily temperatures measured at mid-depth or three feet (whichever is less) in streams, lakes or reservoirs. Maximum allowable temperatures from man-induced causes in the following waters are:

AGFC recommends striking, "... outside the mixing zone..." and instead, state as, "Heat shall not be added to any waterbody in excess of the amount that will elevate the natural temperature by more than 5°F (2.8°C)...."

Reg. 2.509 Nutrients (B) Site Specific Nutrient Standards:

All point source discharges into the watershed of waters officially listed on Arkansas' impaired waterbody list (303d) with phosphorus as the major cause shall have monthly average discharge permit limits no greater than those listed below. Additionally, waters in nutrient surplus watersheds as determined by Act 1061 of 2003 Regular Session of the Arkansas 84th General Assembly and subsequently designated nutrient surplus watersheds may be included under this Reg. if point source discharges are shown to provide a significant phosphorus contribution to waters within the listed nutrient surplus watersheds.

ADEQ is proposing to remove the above language from Reg. 2. AGFC is concerned about eliminating total phosphorus discharge limits from Reg. 2. We would like to see total phosphorus discharge limits included in the Continuing Planning Process (CPP) as recommended by EPA-Region 6.

Appendix A: Ecologically Sensitive Waterbodies

The Arkansas Department of Environmental Quality (ADEQ) is proposing to include only species records from peer-reviewed publications. In addition to these records, AGFC recommends including validated records from the U.S. Fish & Wildlife Service, the Arkansas Natural Heritage Commission and certified Wildlife (through The Wildlife Society) and Fisheries (through the American Fisheries Society) biologists.

Sedimentation and Embeddedness:

2 Natural Resources Drive • Little Rock, AR 72205 • www.agfc.com
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Reg. 2 does not address sedimentation and embeddedness. AGFC recommends the use of language similar to the State of Oklahoma's to include sedimentation and embeddedness in Reg. 2 and encourages the immediate implementation of sedimentation and embeddedness standards in the ecoregions bordering Oklahoma; Ozark Mountains, Arkansas River Valley and Ouachita Mountains. ADEQ report WQ99-07-1 contains data collected for reference streams in the aforementioned ecoregions that could be used to determine impairment.

The opportunity to comment is appreciated.

Sincerely,



Jennifer Elise Sheehan
Federal Regulatory Program Specialist

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The mission of the Arkansas Game and Fish Commission is to wisely manage all the fish and wildlife resources of Arkansas while providing maximum enjoyment for the people.