

MINUTES

SENATE COMMITTEE ON AGRICULTURE, FORESTRY, AND ECONOMIC DEVELOPMENT
HOUSE COMMITTEE ON AGRICULTURE, FORESTRY, AND ECONOMIC DEVELOPMENT
Meeting Jointly

Tuesday, March 29, 2016

The Senate and House Committees on Agriculture, Forestry, and Economic Development met on Tuesday, March 29, 2016, at 1:30 p.m., in the Multi-Agency Complex Building, Room B, in Little Rock, Arkansas.

Committee members present: Senators Ronald Caldwell, Chair; Alan Clark, Vice Chair; Bruce Maloch, and Gary Stubblefield. Representatives Dan Douglas, Chair; David Hillman, Vice Chair; Charles Armstrong, Rick Beck, Ken Bragg, David Branscum, Andy Davis, Jon Eubanks, Douglas House, Mark McElroy, Stephen Meeks, Ron McNair, John Payton, Mathew Pitsch, James Ratliff, and David Whitaker.

Other legislators present: Senators Bill Sample and Greg Standridge. Representatives Camille Bennett, Scott Baltz, Jana Della Rosa, Joe Jett, Tim Lemons, Kelley Linck, and Sue Scott.

Representative Douglas called the meeting to order.

CONSIDERATION TO APPROVE MEETING MINUTES [EXHIBIT B]

Representative Payton made a motion to approve the October 29, 2015, meeting minutes. The motion was seconded by Representative Whitaker, and without objection, the motion carried.

REMARKS BY MR. VINCENT “ZIPPY” DUVALL, PRESIDENT, AMERICAN FARM BUREAU FEDERATION (AFBF)

Mr. Duvall was recognized and stated technology and innovations are the future of farming and the AFBF is working to help farmers utilize available technologies. He stated issues and areas of concern are food and safety and security and regulations. Mr. Duvall encouraged the committees to help the AFBF offset some of the regulations affecting farmers.

REMARKS BY MS. BECKY W. KEOGH, DIRECTOR, ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ)

Ms. Keogh was recognized and provided a PowerPoint presentation titled, “The Arkansas Strategy for Preserving Quality Watersheds.” **[PowerPoint Presentation #1]** She stated ADEQ’s goal is for all streams to attain the required water quality standards. Ms. Keogh explained ADEQ developed the 303(d) list by compiling qualifying data set for the assessment, analyzing the data, and applying data to standards set forth in the Arkansas Pollution Control and Ecology Commission’s Regulation No. 2. The list is due to the Environmental Protection Agency (EPA) every two years and ADEQ is planning to submit the list this year between April 1-15.

Ms. Julie Chapman, Chief Deputy Director, ADEQ was recognized and gave a brief overview of the 303(d) list information. **[Handouts 1 and 2]**

CLEAN WATER ACT 303(d) LISTING OF IMPAIRED STREAMS LEGAL IMPLICATIONS

Mr. Allan Gates, J.D., Mitchell Williams, Selig, Gates, and Woodyard, P.L.L.C., was recognized and presented a PowerPoint presentation titled, “Clean Water Act 303(d) Listings of Impaired Streams Legal Implications.” **[PowerPoint Presentation #2]** He gave a brief overview of the Clean Water Act addressing the topics of adopting water quality standards, monitoring waterbodies, assess monitoring data, reporting assessment results and addressing impaired waterbodies.

SCIENTIFIC STUDIES AND BASIS FOR 2016 ADEQ PROPOSED 303(d) LIST

Dr. Robert E. Blanz, Ph.D., P.E., Chief Technical Officer, ADEQ, was recognized and presented a PowerPoint presentation titled, “ADEQ’s Water Quality Monitoring and Assessment.” **[PowerPoint Presentation #3]** He stated ADEQ follows assessment methodology to ensure data from outside sources meet all quality assurance requirements. Qualifying data must be actual annual ambient conditions, meet or beat ADEQ’s protocol, be analyzed in a state-certified laboratory, not be influenced by a discharge, and fall within the period of record.

Dr. Brian E. Haggard, Ph.D., Associate Professor, Department of Biological and Agricultural Engineering, University of Arkansas, Fayetteville, was recognized and presented a PowerPoint presentation titled, “Bacteria Sampling and Lab Methods,” which outlined the methods used in bacteria sampling. **[PowerPoint Presentation #4]**

Dr. Andrew Sharpley, Ph.D., Division of Agriculture, University of Arkansas, Fayetteville, was recognized and provided a PowerPoint presentation titled, “The Big Creek Research and Extension Team Project.” **[PowerPoint Presentation #5]** He stated the extension team is charged with investigating on the Big Creek Watershed in addition to the following tasks:

- Monitoring fate and transport of nutrients and bacteria from land-applied slurry
- Assessing impact of farm operations on water quality of springs, streams, and ground water
- Monitoring long-term accumulation of nutrients in permitted fields; monitoring of at least five years is recommended

Dr. Sharpley also stated quarterly reports of findings are provided to ADEQ and the Governor’s office.

STREAM PROTECTION AND IMPROVEMENT STRATEGIES

Ms. Keogh also gave a brief overview of the PowerPoint presentation “Beautiful Buffalo-The State Strategy for Preserving the Buffalo River Watershed.” **[PowerPoint Presentation #6]** She stated ADEQ’s goal is to have all Arkansas watersheds free of impairments, and this goal can be achieved with better understanding of the data and through best practices, in addition to establishing appropriate partnerships and collaboration for efficiency.

Mr. J. Randy Young, P.E., Executive Director, Arkansas Natural Resources Commission (ANRC), was recognized and presented a PowerPoint presentation “Improving and Protecting Water Quality Through Voluntary Incentive Based Programs.” **[PowerPoint Presentation #7]** Mr. Young stated the ANRC is the lead state agency responsible for Non-point Source Pollution Management and is charged with implementing the Arkansas Soil Nutrient and Poultry Litter Utilization Act. The ANRC may encourage the General Assembly to consider nutrient management plans statewide. At the request of the Committee, an update on the Nutrient Management Program will be presented at a later date.

Dr. Andrew Sharpley also presented a PowerPoint presentation “The Arkansas Discovery Farm Program.” **[PowerPoint Presentation #8]** He gave a brief overview of how the Program provides on-farm research and demonstration, addresses local and regional water issues, empowers farmers to promote conservation, and documents practice effectiveness.

COMMENTS BY NATIONAL PARK SERVICE

Mr. Charles J. Bitting, Natural Resource Program Manager, National Park Service (NPS), was recognized and gave a brief overview of how the agency was established to preserve the American idea of National Parks. [Handouts 3-6] In recent years, NPS has become concerned about the water quality from three streams; Mill Creek, Big Creek, and Bear Creek. Mr. Bitting stated the NPS requested that ADEQ place Mill Creek and Big Creek on the impaired waterbodies list, and add Bear Creek for dissolved oxygen, pursuant to Section 303(d) of the Clean Water Act. Mr. Bitting concluded by extending an invitation to the committee to visit the Buffalo National River or any of the 410 units of the National Park System.

BUFFALO RIVER WATERSHED ALLIANCE

Mr. Gorgon Watkins, President, Buffalo River Watershed Alliance (BRWA), was recognized and spoke on behalf of the Buffalo River Coalition (BRC) partners' shared goals that include preserving and protecting the Buffalo National River, which is an important economic resource in one of the poorest regions of the state. [PowerPoint Presentation #9] [Handout 7].

There being no further business, the meeting adjourned at 4:33 p.m.