



Asa Hutchinson
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

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Wes Ward
Secretary of Agriculture

August 10, 2020

Representative Lanny Fite, Chair
Representative Fredrick J. Love, Vice-Chair
House Committee on City, County & Local Affairs
Arkansas Legislative Council
State Capitol Building
Little Rock, Arkansas 72201

RE: Interim Study Proposal 2019-131

Dear Chairman Fite:

Pursuant to Interim Study Proposal 2019-131 (ISP), the Arkansas Department of Agriculture respectfully submits its report of each type of environmental permit, certification, authorization, approval, or coverage issued by the Arkansas Natural Resources Commission (Commission). The following is a summary of each covered permit or authorization with the information required by the ISP.

I. Surface Water Permits for Interbasin Use by Non-Riparians

- **Description:** A person shall be authorized to divert excess surface water for non-riparian use upon proper application and the granting a permit by the Director of the Department Natural Resources Division.
- **Authorizing Statute:** Ark. Code Ann. § 15-22-201 et seq.
- **Authorizing Rule:** Arkansas Natural Resources Commission Title 3: Rules for the Utilization of Surface Water
- **Public Notice Requirement:** Section 305.4 Notice and hearing. A. Upon receipt of an application for the interbasin transfer of water, the Director shall cause to be published a Notice of Application. The notice shall be published at the expense of the applicant at least once a week for two consecutive weeks in the newspaper having the largest circulation in the county from which the diversion would be made, in the county to which the diversion would be made, and in any other county through which the diversion would pass. The notice shall be in the form and shall set forth all pertinent information prescribed by the Commission. B. The application shall be heard by the Director at a time and place to be set by the Director.

II. Surface Water Permits for Interstate Transfer

- **Description:** A person shall be authorized to transfer surface water outside the state of Arkansas upon proper application and the granting of a permit by the Director of the Department Natural Resources Division.
- **Authorizing Statute:** Ark. Code Ann. §§ 15-22-201 et seq. and 15-22-301 et seq.
- **Authorizing Rule:** Arkansas Natural Resources Commission Title 3: Rules for the Utilization of Surface Water
- **Public Notice Requirement:** Section 306.4 Notice and hearing. The Commission shall schedule a public hearing on the request as soon as reasonably possible. Notice of the hearing shall be

public notice will be placed in a newspaper having general circulation in the county in which the dam is/will be located. Information in the public notice will include: the owner's name and address, the dam's location and pertinent physical data describing the dam. In addition, the public notice will request that questions, comments and objections to the dam's permitting and/or requests for public hearing be forwarded in writing to the Commission for action within twenty days after the second publication.

Section 702.8 Public hearing. If requested, the Executive Director shall cause a public hearing to be conducted within the county in which the dam is/will be located. Said hearing will be for the purpose of describing the proposed actions and taking testimony regarding the public view of the proposal. The Executive Director shall cause publication of a public notice describing the time, place and purpose of the public hearing. Copies of the public notice shall be furnished to the owner(s), complainant(s) and adjacent landowners (if known). Publication shall be in a newspaper having general circulation in the county in which the dam is/will be located. Notice shall be published twice, one week apart.

VI. Poultry Feeding Operations Registration

- **Description:** All poultry feeding operations shall register annually with the Department for the purpose of assembling and maintaining information on the number, composition, and practices of poultry feeding operations in the state.
- **Authorizing Statute:** Ark. Code Ann. § 15-20-901 et seq.
- **Authorizing Rule:** Arkansas Natural Resources Commission Title 19: Rules Governing the Poultry Feeding Operations Registration Program
- **Public Notice Requirement:** None.

VII. Nutrient Management Planner Certification

- **Description:** The Nutrient Management Planner Certification Program develops and implements nutrient management education, training, and certification to certify minimum standards of competence and knowledge for person preparing nutrient management plans. Certification is required for persons developing nutrient management plans in nutrient surplus areas or those funded by federal or state funds.
- **Authorizing Statute:** Ark. Code Ann. § 15-20-1001 et. seq.
- **Authorizing Rule:** Arkansas Natural Resources Commission Title 20: Rules Governing the Arkansas Nutrient Management Planner Certification Program
- **Public Notice Requirement:** None.

VIII. Nutrient Applicator Certification

- **Description:** The Nutrient Management Applicator Certification Program develops and implements nutrient management education, training, and certification to certify minimum standards of competence and knowledge for nutrient application. Certification is required for persons that apply nutrients in a nutrient surplus area.
- **Authorizing Statute:** Ark. Code Ann. § 15-20-1001 et seq.
- **Authorizing Rule:** Arkansas Natural Resources Commission Title 21: Rules Governing the Arkansas Nutrient Management Applicator Certification Program
- **Public Notice Requirement:** None.

Ryan Benefield, Deputy Director of the Department of Agriculture's Natural Resources Division and I will be present at the committee meeting should committee members have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "W. Hodge", written over the printed name.

Wade Hodge

Chief Counsel

Arkansas Department of Agriculture