

EXHIBIT D3

Legislators hear comments concerning local rivers and streams

By JEFF DEZORT

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JASPER — Senator Bryan King, (R) District 28, chairman of the Senate Children and Youth Committee, brought a panel of legislators to Newton County on Monday, Sept. 9, to hear constituents' concerns about the areas' streams and rivers.

Six people appeared before the lawmakers to offer their observations, concerns and to report current activities in the surrounding watershed.

In opening the meeting that began at 10 a.m. at the Carroll Electric Building in Jasper, King explained his district includes all of Carroll and Madison counties, most of Newton and Boone counties, the top part of Johnson and Franklin counties and a 10-mile radius in southern Madison County where the Buffalo, Mulberry, Kings and White rivers all flow.

Before entering office, King said he spent his youth floating the local streams and rivers. Since taking office his interests have expanded into conservation, tourism and other issues involving the area's waterways.

He said he has held several town meetings in different venues within his district where water issues have been discussed. Monday's meeting was similar, but took on a legislative hearing approach to those issues.

On the panel were James Eaton, representative-elect for District 26, that includes portions of Carroll, Franklin and Madison counties; Rep. Harlan Breaux (R), Holiday Island, District 6; Rep. Ron McNair, Harrison, (R) District 5, portion of Boone County; Sen. Clint Penzo, Springdale, (R) District 31 and staff members Blake Gilliam and Destiny Davis.

Gordon Watkins, of Parthenon, president of the Buffalo River Watershed Alliance was invited to address the panel.

Watkins said the alliance is a non-profit, 501(c)(3) organization which was created in early 2013 in direct response to the discovery that C & H Hog Farm, the first and largest hog CAFO if its kind in Arkansas, had been approved and was near completion at its location on Big Creek, a major Buffalo National River tributary.

Secondary to the successful closure of the hog farm is establishing a moratorium to future permitting of hog operations in the watershed. That is currently up for public comment subsequent to the adoption of new regulations 5 and 6 by the state Agriculture Department and Pollution and Ecology Department respectively.

The National Park Service is in the process of revising the Buffalo National River's management plan which was implemented in 1984, Watkins noted. The final plan is scheduled to be released in 2026. Comments on the plan are currently being received by the park service.

Watkins continued. He said H2Ozarks, an organization dedicated to supporting landowners' conservation efforts, is focusing on Mill Creek, a tributary to the Buffalo National River. H2Ozarks received funds from the Buffalo River Conservation Committee to carry out a series of landowner workshops in the area surrounding Marble Falls. These workshops will serve as an introduction to cost-share programs, launching in January 2025, which may cover up to 100% of costs for certain practices.

Mill Creek in north Newton County flows into the Buffalo River near Pruitt.

Funding has been secured to renovate the area's water and sewer infrastructure that will include the former Dogpatch theme park. Bass Pro Shops founder Johnny Morris purchased the property and plans to develop it into a wildlife park.

Watkins noted the Buffalo River Conservation Committee was chartered by then Governor Asa Hutchinson to

implement projects in the Buffalo River Watershed to protect the quality and enhance the value of the Buffalo National River in partnership with local stakeholders. Last year, the committee depleted its initial \$2 million in funding that came from the governor's discretionary fund and from private donors.

Watkins concluded his remarks by encouraging the law makers to consider refunding the committee which was successful in forming partnerships with communities in the watershed by alternating meetings held in Newton and Searcy counties.

King brought up the controversy stirred last year by a survey commissioned by the Runway Group in Northwest Arkansas to gauge support for seeking re-designation of the Buffalo National River as a federal national park and reserve.

King acknowledges an economic development strategy is needed as commercial businesses continue to be drawn to the area.

He also cited the need for new legislation pertaining to erosion control and stream bank stabilization efforts on streams where gravel mining moratoriums have been in place for the past 20 years. Land clearing and unpaved county roads have been cited as main sources of the gravel being washed into streams.

Ben Batton, deputy director of the Arkansas Game & Fish Commission, was present and addressed the agency's efforts to enhance access to streams and rivers. He said these projects are not designed to attract more people for recreational use of the waterways, but rather to spread out the crowds to ease congestion.

He pointed to the agency's Stream Team endeavors to correct erosion problems and return streams to their natural courses by reforesting stream edges. He said the commission is also tapping into funds for gravel control as the Commission's concerns focus on the migration of native fish species being blocked by gravel choked streams.

It was noted that state and federal partnerships are needed as there are conflicts between state and federal laws over control of waterways due to confusion over certain waterway designations.

Stephanie Reynolds, program manager of H2Ozarks, addressed the panel about its upcoming series of workshops this September and October to connect homeowners with information and resource providers to assist in meeting their land management goals.

Landowners can utilize a new cost-share program beginning in January 2025 to receive funding for eligible conservation practices.

Any interested landowners can attend the workshops, while cost-share will be available to individuals within the project area.

The Landowner Assistance Program, funded by other sources including the Army Corps of Engineers, is designed to help landowners in parts of Boone and Newton counties achieve their conservation and land management goals. The mission is to support homeowners in implementing sustainable land management practices that not only meet their objectives, but also protect the invaluable water resources.

Stephanie Johnson, a social worker for Legacy Hospice, is from the Mt. Judea area. She voiced the need local residents have to be able to easily find grants and other funding resources to benefit them, their property and the watershed by taking advantage of the predicted economic expansion within the area. She suggested a central source of information and education be made available to the public.

Jasper Mayor Michael Thomas addressed gravel issues in the Little Buffalo River facing the city's Bradley Park and buildup at low water bridges. Periodically the gravel has to be removed, but permission is needed to do so. In the past residents could manage the streams that flowed through their property.

Regulations need to be streamlined to reduce the red tape to control gravel, Thomas said.

He also addressed short-term rental problems and benefits. The city is trying to protect residential areas. A moratorium is in place to maintain the city's census.

The mayor explained full-time citizens are needed to provide services for visitors. Short-term rental properties are located in commercially zoned areas to meet their needs, he said. The city doesn't want to lose control of zoning, lose workers or lose families, the mayor said.

Other speakers addressing the panel were Ray Warren, of the Kings River Watershed Partnership. Gravel issues are a continuing problem. He called for improvements of roads, bridges and drainage. He said a "whack-a-mole" approach has been taken to control gravel from entering the river. He called for protecting an existing gravel bar that is necessary for successful management.

The final address was given by Dennis Larson of Parthenon, he said his concern is for the headwaters of the Buffalo River and the adverse water quality effects he believes will be caused by the Roberts Gap Project being carried out by the US Forest Service.

By GEORGE FOWLER, PhD
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Senator Bryan King held a town hall forum at the Carroll Electric building in Jasper. Among the topics he raised were the proposed private mega-prison, wind turbines, data and crypto

mining, the Buffalo River renaming kerfuffle, and the continuing effort to take away local control on important issues.

Issues raised by the public included former county ordinances requiring corporate, state, and Federal organizations to brief them on proposed operations in the county; concerns on how proposed cuts to Medicaid will affect special-needs education; support for rural health care and mental health; wind turbine monitoring, fire-suppression, and auditing; the \$18 issue; semi-truck traffic on rural roads.

According to King, of the 75 counties in Arkansas, eight comprise half the total population, with the rural counties in the southern, western, and northeastern parts having lost a significant portion of their population. This affects many aspects of legislation. Further, though the issue is being addressed centrally and top-down, half the inmate population comes from only four counties – Pulaski, Benton, Washington, and Sebastian.

Instead of the proposed 3,000-bed private mega-prison north of Charleston on Mill Creek Mountain in Franklin County, King proposed providing resources to the Little Rock police and county sheriff's offices, including equalizing county deputy pay and providing grants to support rural counties in building or expanding local jails.

In addition to providing increased support for local jails, partnering with and increasing support for rural hospitals would also help address mental health issues, thereby alleviating some of the burden on the prison system.

King mentioned that the LEARNS Act was passed despite not knowing where funding for it would come from in the second year. This is currently being borne out in year three by the legislature appropriating \$90 million from a one-time account. Nothing has been decided for funding next year, either.

Combined with the state and Federal efforts to remove local jurisdiction, the state is also returning few tax dollars to the counties and cities. This year, the state returned 3.4% of county taxpayer dollars, compared to 5% when he was first elected.

King has held several meetings to discuss issues around local rivers and streams, wherein all sides are given a chance to speak without obvious vitriol. King, a self-admitted caged-animal feeding operations (CAFO) poultry owner, voted present (due to his conflict of interest) on a vote regarding CAFO operations in a watershed. He discussed ongoing efforts to collaboratively address the growing issue of gravel bars in the rivers. He suggested looking at allocating more gravel permits.

More information is being uncovered about ongoing efforts to acquire all land around the Buffalo River for federal jurisdiction. He is confident the proposed re-designation of the

Buffalo National River to the Buffalo National Park Preserve is still being pursued and remains concerned that something may transpire like what happened with the New River Gorge in West Virginia. In that instance, the name change was submitted by U.S. Senator Joe Manchin as part of the end-of-year spending bill, thereby bypassing any local input.

King recommended, and in agreement with Arkansas Attorney General Tim Griffin's opinion, that local moratoria on wind turbines were appropriate and legal, allowing more time for investigations. If contacted, his staff will share information provided from both sides of the turbine issue.

Further, King continues to recommend contacting local, state, and Federal representatives on all of these issues.