

June 10, 2011

Public Notice: Oklahoma Scenic Rivers Phosphorus Criterion Review

To: Oklahoma Scenic Rivers Stakeholders and Interested Parties

The Oklahoma Legislature resolved to protect a handful of treasured streams when, in 1970, it passed the "Scenic Rivers Act" (82 O.S. 1451-1471). This and subsequent legislation identified six streams to be designated as "Scenic River Areas": Flint Creek, Illinois River, Barren Fork Creek, Upper Mountain Fork River and Lee and Little Lee Creeks. The primary purpose of the Scenic Rivers Act and the relevant water quality standards regulations is to preserve the high quality and unique characteristics of these outstanding resource waters.

"The Oklahoma Legislature finds that some of the free-flowing streams and rivers of Oklahoma possess such unique natural scenic beauty, water conservation, fish, wildlife and outdoor recreational values of present and future benefit to the people of the state that it is the policy of the Legislature to preserve these areas for the benefit of the people of Oklahoma. For this purpose there are hereby designated certain "scenic river areas" to be preserved as a part of Oklahoma's diminishing resource of free-flowing rivers and streams."

In 2001, it was recognized that both empirical and anecdotal evidence over the preceding two decades indicated that the Illinois River's status as a Scenic River was seriously threatened by excess nutrients. These nutrients - primarily phosphorus - were seen to be causing significant growth of both attached algae (periphyton) and suspended algae (phytoplankton) affecting historical river clarity and substrate quality. Without intervention, the Illinois River's exceptional ecological and recreational significance was in jeopardy. Consequently, in 2002 the Oklahoma Water Resources Board (OWRB) adopted a total phosphorus criterion of .037 mg/l to protect these Scenic Rivers. For additional information regarding that criterion and Oklahoma's Scenic Rivers, please view information on www.owrb.ok.gov/standards.

EPA approval in December 2003 of the criterion was followed by a "Statement of Joint Principles and Actions" agreement signed by Oklahoma and Arkansas, including the following clause: "Oklahoma periodically reevaluates all of its water quality standards. In particular, Oklahoma will reevaluate Oklahoma's .037 mg/l criterion for total phosphorus in Oklahoma's Scenic Rivers by 2012, based on the best scientific information available at that time, and with the full, timely inclusion of officials from the State of Arkansas representing both point and nonpoint source dischargers." A technical advisory group (TAG) with representatives from EPA, Arkansas, the Cherokee Nation and Oklahoma has been formed to evaluate the "best scientific information" and to recommend if additional criteria development is necessary.

This Request:

To facilitate its review of the Oklahoma Scenic Rivers phosphorus criterion, the OWRB requests contributions of “best scientific information” regarding numerical phosphorus criteria. Studies and information should focus on phosphorus concentrations and its in-stream and downstream effects on algae, impacts to the aquatic community, fisheries, ecological integrity, recreation and aesthetics of the Scenic Rivers. The OWRB also requests “best scientific information” related to duration, frequency, flow, and seasonal considerations associated with phosphorus and these effects. Information may include scientific studies, water quality models and other information concerning phosphorus in rivers like the Illinois River, Barren Fork, Flint Creek, Lee and Little Lee Creeks and the Upper Mountain Fork River. Scientific information submitted will be evaluated for its scientific quality and merit, relevance to the Scenic Rivers and how it will restore and preserve the *unique natural scenic beauty, water conservation, fish, wildlife and outdoor recreational values*. Information ranking by the TAG will follow the attached guidelines.

Please send studies, reports and other “best scientific information” no later than August 1, 2011 to:

Phillip Moershel or Jason Childress
Water Quality Standards Section
Oklahoma Water Resources Board
3800 N. Classen Boulevard
Oklahoma City, Oklahoma 73118
phmoershel@owrb.ok.gov or jrchildress@owrb.ok.gov, (405) 530-8800

Public Meeting: August 11, 2011 (1:00 - 5:00 PM)

Cherokee Nation Tribal Council Chambers
17675 S. Muskogee Ave.
Tahlequah, Oklahoma 74464
3 miles southwest of Tahlequah on Highway 10

OWRB and the Technical Advisory Group will discuss the Scenic Rivers Criterion review process. The public is invited to present scientific information regarding the Scenic Rivers phosphorus criterion at this meeting. Public presentation of scientific information regarding suitability of the criterion to restore and preserve the *unique natural scenic beauty, water conservation, fish, wildlife and outdoor recreational values* of Oklahoma Scenic Rivers will be limited to two minutes per person. Additional time per person may be allotted depending on the number of presentations and time available.

For additional information, please contact Phillip Moershel or Jason Childress (at the above address).

Oklahoma Scenic Rivers Criteria Review Technical Advisory Group Members:

Shanon Phillips (Oklahoma Conservation Commission)
Quang Pham (Oklahoma Department of Agriculture Food & Forestry)
Shellie Chard-McClary (Oklahoma Department of Environmental Quality)
Cara Cowan Watts (Cherokee Nation)
Ed Swaim (Arkansas Natural Resources Commission)

Steve Drown (Arkansas Department of Environmental Quality)
Melinda McCoy (USEPA)
Derek Smithee (Oklahoma Water Resources Board)