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Oklahoma Water Resources Board



United States Department of the Interior

NATIONAL PARK SERVICE
Chickasaw National Recreation Area
1008 W. Second Street
Sulphur, Oklahoma 73086

IN REPLY REFER TO:

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April 18, 2011

Mr. J.D. Strong
Executive Director
Oklahoma Water Resources Board
3800 N. Classen
Oklahoma City, OK 73118

Dear Mr. Strong:

The National Park Service (NPS) appreciates the efforts of the Oklahoma Water Resources Board to manage the Arbuckle Simpson aquifer in a manner that protects the streams and springs emanating from the aquifer. However, there are a number of issues that are of concern to NPS that we would like to discuss with you at your earliest convenience. Two issues of primary importance are the number of active and proposed mining operations on lands overlying the Arbuckle Simpson aquifer and the determination of equal proportionate share for the Arbuckle Simpson aquifer.

The NPS is concerned that water use and potential impacts associated with mining in the Arbuckle Simpson aquifer are not being adequately monitored or reported under existing mine and water use permits. Current efforts are limited to individual mine operations on a case by case basis. The NPS believes that a coordinated monitoring effort would be more effective. It is our understanding that there is broad interest from various stakeholders, including the mining industry, in the development of a coordinated monitoring effort for this aquifer. We suggest that a technical group representing various interests should be convened to develop a monitoring program that could address a wide range of needs and concerns.

Among the issues associated with mining and water level monitoring are the conflicts between adjacent mine operators. The monitoring plan that was incorporated into Permit 2002-602 includes monitoring of a groundwater well known as the Gay Well, located about one mile north of Meridian's active mine operation on an adjacent property. This property was recently purchased by Arbuckle Aggregates. Since the change in land ownership, Arbuckle Aggregates has restricted access to, and monitoring of, the Gay Well. This well represents one of eleven wells included in OWRB's hydrologic study of the Arbuckle Simpson aquifer, and is one of the few wells in the area with continuous water level data. NPS believes that a cooperative monitoring program would address this issue.

A second issue of great concern to NPS is the reliance of OWRB on the assumption that limiting groundwater withdrawals to natural recharge will protect springs and streams discharging from the aquifer. OWRB stated in the Findings of Fact for Permit 2002-602 that "...it appears that if Meridian's amount is limited to the basin's average annual recharge, then Meridian will not likely degrade or interfere with the springs or streams emanating from the Arbuckle Simpson groundwater basin." This common misconception by water managers is a topic of much discussion by hydrologists. It is important to recognize the dynamic nature of the aquifer and the limitations associated with the use of natural recharge

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as a means of determining the amount of water that can be withdrawn on a sustained basis. The NPS believes that in the determination of equal proportionate share for the Arbuckle Simpson aquifer, OWRB must consider the basic hydrologic principal that pumping does not have to exceed recharge for springs and streams to be depleted.

In addition, the administration of water rights in the Mill Creek Watershed continues to be an issue of concern to NPS. The OWRB granted a permit to Meridian, Inc. for groundwater use "...up to a maximum of 274 acre feet, only as may be needed to *supplement* (emphasis added) (a) the water supplied by Mill Creek pursuant to stream water Permit No. 2004-033, and (b) stormwater on the site..." However, as early as 2006, OWRB requested that Meridian temporarily cease using stream water from Mill Creek due to shortages and impacts to downstream users. Since June 2008, Meridian no longer uses stream water from Mill Creek due to conflicts with downstream users. Given the prevailing need to maintain a base-flow sufficient to satisfy downstream needs, no further applications for stream water from Mill Creek or its tributaries should be granted.

Arbuckle Aggregates recently filed a new application for stream water from an unnamed tributary to Mill Creek. This unnamed tributary contributes to Warren Pond, which is on Meridian's leased property, and the base-flow of Mill Creek. The current Oklahoma Water Resources Board calculations of available water at the proposed points of diversion fail to address the diminished drainage area due to existing and proposed mining activities, relies on a runoff number that is at the upper range for this area, assumes existing users will not require the full amount that they are entitled to in any one year, and fails to properly consider water availability during periods of below normal precipitation. These issues suggest that there is inadequate water available to meet the water supply needs of Arbuckle Aggregates on a long term basis.

Each groundwater protection agency in the state of Oklahoma is authorized to encourage plans to maintain and protect groundwater by industries that may jointly or severally impact the maintenance and protection of groundwater. The combined effects of both existing and proposed mines need to be addressed. The close proximity of each of these mines and the potential impacts to the groundwater system, both during mining and in the post-mine environment, require a long-term coordinated monitoring effort.

The NPS is very interested in working with the OWRB and other interested parties and groundwater protection agencies to manage the Arbuckle Simpson aquifer in a manner that protects the aquatic resources that are dependent upon this system, including those at Chickasaw National Recreation Area. We believe that each mine application proposing to mine from lands overlying the Arbuckle Simpson aquifer should address the potential impacts to the groundwater system and the cumulative impacts from multiple mines as part of a coordinated monitoring effort.

The NPS would like to meet with you to discuss these issues. If possible, I would like to propose holding the meeting on May 9 or May 13. We would be happy to host you here in the park. Please contact me to let me know of your availability on those dates. Thank you for your consideration in these matters.

Sincerely,



Bruce Noble
Superintendent

Cc: SOL - Peter Fahmy
2380 (email) - Daniel McGlothlin