Local Input Meeting Report

#27

Tahlequah, Oklahoma

Northeastern State University
Red Bud Room
September 4, 2007

Project Description

The Water Research Institute, at Oklahoma State University, is working under contract with the Oklahoma Water Resources Board to update Oklahoma's Comprehensive Water Plan. The Institute has designed an innovative process that combines citizens' ideas with the assistance of water experts in formulating policy recommendations. This process seeks to rely on the citizens' values for guidance in making tough choices about management of our State's water resources.

The first phase of this process consisted of 42 Local Input Meetings held throughout the State beginning in April 2007, at Beaver and ending on Nov. 15, 2007, at Idabel. The purpose of the meetings was to gather citizens' ideas, questions, suggestions and concerns about Oklahoma's water resources. This report is a comprehensive list of the comments received at this meeting.

In addition to the Local Input Meetings the public participation process consists of four other components. During the second phase, beginning in 2008, the Institute will conduct 11 regional meetings where selected participants will review the comments, consolidate similar issues, and prioritize them. Planning workshop, where participants will work to development management alternatives, is scheduled to begin in 2009. The Oklahoma Academy for State Goals will hold a special Town Hall meeting, in the spring of 2010, where citizens will develop consensus recommendations. These recommendations will be forwarded to the Oklahoma Water Resources Board for consideration/inclusion in a draft updated Comprehensive Water Plan. In the final phase the Institute will again conduct 11 regional meetings. At these meetings, the Institute will receive feedback and implementation suggestions on the draft Water Plan. Comments received at these meetings will be forwarded to the Water Board who will finalize the Plan and submit it to the legislature and the governor.

For more information visit the Institute's website at http://okwaterplan.info, email them at waterplan@okstate.edu, or by phone at 405.744.9994. You may also contact the Oklahoma Water Recourses Board at www.owrb.ok.gov or 405.530.8800.

Meeting Agenda

Time	Topic	Speaker
6:35 pm	Welcome	Roger Williams, Educator Cherokee County Cooperative Extension Service
6:37 pm	Purpose of Meeting and Introduction of Staff	Mike Langston, Assistant Director Water Research Institute
6:45 pm	Water Challenges in Oklahoma	Dave Dillon, Director of Water Planning Oklahoma Water Resources Board
7:20 pm	Comments from the public	Public Participants
9:05 pm	Meeting adjourned	

Attendees

Water Research Institute Staff
Mike Langston, Assistant Director
Jeri Fleming, Communications Manager
Alison Stone, Administration Specialist

Oklahoma Water Resources Board Staff
Dave Dillon, Director of Water Planning

Oklahoma Cooperative Extension Service Staff
Roger Williams, Cherokee County Extension Educator
Heather Winn, Cherokee County Extension Educator

Public Participants
29 citizens

Comments

Sixty-eight comments were received from the meeting participants. Comments were submitted both orally and by comment card. The comments are organized alphabetically by topic. Each comment is preceded by a unique identification number that will remain with the comment throughout the process. *Additional comments were submitted online to the website and are not included below; however, there is a separate report that lists all comments received through the website, by fax, mail and phone.*

Water Management

Agencies

- *Funding*
  - **Tq9c** There should be more money allocated to technical identification of use, consumption and trends.
- *Jurisdiction*
  - **Tq12** Will GRDA be subject to the fifty-year plan as well? If you have a stream (Spring Creek) in four counties and three planning regions, but it is entirely in the Neosho basin, who will control the stream permitting (allocation)? I would like to see GRDA subject to the comprehensive plan.
  - **Tq24** I suggest the Attorney General review the State law that requires all water studies be conducted by the Oklahoma Geological Survey and answer the question whether this planning process is legal. We should also look at what neighboring states such as Kansas, Nebraska, and Missouri have done to incorporated their water plans under their Geological Surveys.
- *Rural Water Districts*
  - **Tq36c** [I would like to see] more support of Rural Water Districts and development of new Rural Water Districts.
- *State*
  - **Tq6a** The governor's office should have a representative at all future meetings of this nature and the governor's office should take an active role. If he does not, it would be remembered if Governor Henry were to run for other public office.

Conjunctive Management

- **Tq25** I suggest the 50-year plan give special consideration when allocating stream water in karst topography regions. Because in karst topography areas the affects of withdrawal are much more pronounced on stream water.

- *Legislation*
  - **Tq5g** Ground and surface water interaction needs to be recognized [by the law].
  - **Tq9e** I would like to see the connection between ground and surface water recognized across the State.
- *Research*
  - **Tq34d** Will OWRB study the effects of the increasing groundwater use on stream flows?

Conservation

- **Tq5d** Conservation concepts need to be incorporated into the plan.

- *Education*
  - **Tq3a** I am concerned we are hearing more about the need for water and less about conservation of water. Either through education or laws we should do something to encourage conservation.

- *Sustainability*
  - **Tq1** Will the use of the aquifers be limited so they will be sustained instead of continually decreased?
  - **Tq5c** The principle of sustainability must be incorporated into the permitting/planning process as an overarching goal.

Economic Impacts

- **Tq6b** There needs to be an in-depth economic evaluation to determine the best beneficial use of our water, such as recreation. What is the economic impact of using water for recreation [money which stays in Oklahoma] instead of for washing hogs, chickens and rocks [with the profit from those industries leaving the state]?

- *Development*
  - **Tq18b** Rural areas should have just as much opportunity for growth and use of the water as metropolitan areas.

Health

- *Ecological*
  - **Tq3b** We have very little bottomland hardwood forest left and what is left is being put under a lot of stress. The large number of dams in our State has reduced our bottomland hardwood forest by flooding it. I am concerned that by selling water to Texas we will affect the wildlife and the amount of bottomland hardwood forest left by draining what remains. The stress of our State's growing population can also have a negative impact by draining these habitats.
  - **Tq17** What process or what entity will be used to establish the environmental quality and quantity of stream water? I recommend we assess the macroinvertibrate and fish species that have historically inhabited a specific stream ecosystem to ensure there is enough water left in streams to protect those species.
  - **Tq34g** Indigenous, threatened, and endangered species exist in other parts of the State's waterways that also need protection. Species like cavefish and cave crawfish depend on the groundwater to exist. If that water is used to supply water for other uses (too many), these species could perish.

- *Human*
  - **Tq29** I am concerned about pollution in our water and I would like to know what studies have been done to ensure that contamination from some of the recognized pollution sites (nuclear sites, landfill sites, and superfund sites) have not seeped into and contaminated our water. For example, mercury levels being out of sight may be correlated with autism rates being out of sight.

Infrastructure

- **Tq6g** I am concerned that if the Texas interests that have been lobbying our State are successful, then six more dam sites that are already on the books in southeast Oklahoma will be built. These need to be looked at for environmental impact including the destruction of bottomland hardwood forests.

- *Funding*
  - **Tq20a** For rural areas to develop there has to be support for our rural water districts. There needs to be financial support for maintenance and upkeep of existing systems and more development of new systems.

- *Maintenance*
    - **Tq35** When the ground is dry during drought, old water lines seem to crack and bust due to less cushion than wet soil would provide. I would like to see funding for water line repairs, or better yet, complete reconstruction. In the end, you could say, what would be the point in focusing all the attention on supply when in some places, water cannot even be supplied.

Planning

- **Tq6e** We don't have four years to wait to finish this water plan we should speed up the process as much as possible.
- **Tq9a** I would like to see the plan develop a mission statement or premise for decision making like - Water is not a commodity it is a life source. The premise should define that water is imperative to the life-cycle.
- **Tq10b** The US Supreme Court has decided that water is a commodity and must be freely traded in interstate commerce. Texas and Arkansas want our water and Texas has key leaders in the federal government who can make the decisions about interstate trade of water. Thus, we don't have four years for this planning process because they have that power.
- **Tq11c** In reference to comment Tq10b, Texas also has the key legislators in Oklahoma's government.
- **Tq18a** By waiting two years before the technical studies are produced, the public is not given all the information. I think there should be some way for the public to know what technical studies are being done and what assumptions are being made so they can ensure all the information is accurate. For example, its important to know what assumptions are being made regarding water use in a particular area (all uses should be considered, not just consumptive and not just existing uses but predicting what an area will need in the future).
- **Tq19** The Kiamichi River Basin Development Plan (2000) is an invalid study because it did not meet legislative requirements. Furthermore, the information on OWRB's website from this plan is totally inaccurate as it does not allow for any growth (and locks in rural areas at 1990 census consumptive rates for both rural and agricultural water uses). In addition, the data does not have a climatic adjustment figured in it and therefore shows there is more water available than there actually is.
- **Tq34a** What cultural uses and issues will be written into the water plan?
- **Tq36b** [Are the State's] politicians on board [with this plan]?

- *Interstate Cooperation*
    - **Tq4a** I live on the Illinois River just above Lake Tenkiller and I get my drinking water from Stickross Rural Water District which gets its water from Tahlequah which gets its water from the Illinois River. I am concerned about the impact that sewage treatment plants (in Fayetteville, Siloam Springs, Watts, Tahlequah, etc.) are having on my drinking water and the water that flows below my property in the Illinois River. Will the plan consider drinking water standards and will it address the issues in other states? I suggest that the plan address how Oklahoma can work with other states. We may need to bring in a national organization such as EPA or an interstate compact commission to referee in order for us to work with the other states. Arkansas and Oklahoma should be mandated to meet or exceed water quality standards in this scenic River so it can be better than what it is now.

- *Priorities*
  - **Tq8a** I suggest that the water plan should have alternative plans for stream water usage and groundwater or aquifer usage during times of crisis, such as drought.
  - **Tq8b** I believe that priorities should be put in place on this water that puts farmers and livestock producers on a higher agenda than people that use it for recreational or less necessary uses.
  - **Tq22** I think there should be a priority list developed with drinking water listed first, both for humans and livestock.
  - **Tq32** I would like to suggest that a priority list of the most important use of water take place. Drinking water is the most important and an open mind be used in development of this priority list.
- *Public Participation Process*
  - **Tq2** I am concerned the rural areas will be left out of the planning process. Everyone seems more concerned about Tulsa and Oklahoma City getting their water than the rural areas having enough.
  - **Tq5b** Small towns, rural areas and tribal areas should be considered in the planning process and should have a voice. The planning process must protect opportunities and rights of rural areas, small towns, and tribal communities.
- *Regional Differences*
  - **Tq36a** Will OKC and Tulsa take over the drinking water in Oklahoma and leave the rural areas high and dry? (no pun intended)

Policy/Regulations

- *Adjudication*
  - **Tq6d** The attorney general should rule whether the OWRB's administrative protest process is legal. Currently the way this process works is that OWRB hires the judge while they are also the defendant and I think this is unconstitutional.
  - **Tq27** We should study how Oklahoma's Corporation Commission has set up its rules and regulations on oil and gas reservoirs and how they handle their protest hearings. Maybe the allocations and protests that OWRB conducts should be conducted under the Corp. Comm. because the Corp. Comm. has already got a good system set up and lots of experience.
- *Enforcement*
  - **Tq13b** I suggest the new plan have more regulation of permitted use with strict penalties if the permitted use is violated.
- *State Regulations*
  - **Tq4b** I am concerned about land management practices such as cattle in streams and land application of chicken refuse. I think the plan should look at zoning as a solution for these problems.
  - **Tq5e** The mining law for water needs to be reconsidered.
  - **Tq5f** There should be environmental flow standards set before permits are issued.
  - **Tq6c** I recommend the value of water (multi-tiered value depending on the use) in our State be published quarterly so everyone knows the true value of water. There is already a market in the southwest U.S. and we need to have Oklahoma's water value included.

- **Tq30** I would like to plan include that all sources of water have check meters and flow meters.

o *Permits*

- **Tq6f** I and several other geologists know the OWRB is using bogus information when making huge water allocations. Therefore, the technical information the OWRB uses needs to be brought up to speed. The current situation allows over-allocation--sometimes two to three times more than what is available.
- **Tq13a** Will the existing surface and groundwater permits be grandfathered into the new 50-year plan and when will their rights end?

o *Water Rights*

- **Tq7** We should look closely at whether landowners should be permitted to sell water rights to cities, investors and other states. I am concerned that water rights will end up like mineral rights and there will be several owners scattered all over.
- **Tq10a** I am concerned the planning process is being conducted without key legal information being made available to the public. For example, State law says riparian landowner rights are superior, thus they can take water.
- **Tq20b** There needs to be some type of legal protection for rural water districts because many of them are on year-to-year contracts and if their contract is lost the rural water districts will have no other source of water. Cities that sell to rural water districts need to plan not only for their growth but for the surrounding area's growth as well.

- *State Statutes*
  - **Tq9b** The plan needs to be much more specific about the "uses" of water, i.e. beneficial, domestic, and irrigation uses.
  - **Tq11a** I recommend we have an in-depth legal summit in the comprehensive water plan to revise our laws.
  - **Tq28** The definition of beneficial use should be reexamined in regards to the use of fresh water for underground injection for oil and gas wells and CAFOs. The Water Board should require any applicant who wants to withdraw water to describe in some detail what the water is going to be used for, whether the water will be recycled, whether there are viable alternatives to degrading fresh water to help determine if they really need the water or not.

Sales and Transfers

- *Interstate*
  - **Tq8c** I believe that selling our water to other states, in times of surplus is a good idea that will benefit our State's economy and inter-state relations.
  - **Tq9d** I don't agree with selling water to Texas; I don't believe anyone has a right to put a value on it.
  - **Tq11b** Tarrant County, Texas has asked a federal judge to rule on allowing Oklahoma to sell groundwater to Texas.
  - **Tq14** If GRDA sells water to a municipality in the state of Arkansas would that set a legal precedent for selling Oklahoma water out-of-state and would this create a legal loophole for Texas to come in and buy our water?

- *Intrastate*
  - **Tq16** I think before any transfer of water from eastern Oklahoma to western Oklahoma there should be 2-acre feet per acre per year reserved for all agriculture use within the transfer area and the seven-year "use it or lose it" rule should not apply.
  - **Tq34b** Will water be allocated for small communities instead of being diverted to large cities?

Water Rights

- *Native American*
  - **Tq5a** The State has to recognize that the Cherokee Nation and many other tribes have claims on the same water that is the subject of this plan. In order to address tribal water claim issues, it is going to take government-to-government consultation, public meetings will not suffice.
  - **Tq34e** Tribal claims to the water need to be addressed.
- *Private Property Rights*
  - **Tq15** Water rights should automatically be granted to a new purchaser of property. For example, if I sell my water rights to someone else and then sell my property, the water rights should revert to the new landowner.

Watershed Management

- **Tq21** I recommend the plan give priority to watershed protection and management because at that level the tribes, State, and riparian landowners can cooperate with each other to protect the land and the water that runs off it.

Water Uses

Ecological Use

- *Habitat*
  - **Tq34f** The Glover River needs to remain wild so the indigenous species will be allowed to flourish.
- *Research*
  - **Tq26** This region has a lot of karst topography and underground springs. Are any studies being done on the affects of groundwater withdrawal on underground species such as cave crayfish and cave fish?
  - **Tq34c** In-stream flows need to be evaluated to be sure there is enough water for aquatic and terrestrial organisms.

Public Domestic Use

- *Rural Water Districts*
  - **Tq23** I suggest the plan require rural water districts and non-profit rural providers to implement water use restrictions and notify consumers during high-water-use and drought periods.

ADDENDUM

Category Descriptions

- **Water Management**
  - Agencies – Includes, but is not limited to, federal, state, and local agencies. Also includes rural water districts, jurisdictional issues, and additional funding needs by individual agencies
    - Federal – Comments regarding federal agencies that are not necessarily related to a law or regulation
    - Funding – Additional federal, state, or local funding opportunities for various projects
    - Jurisdiction – Limiting, expanding, or consolidating agency jurisdiction
    - Local – Includes cities, conservation districts, and other locally led authorities
    - Rural Water Districts – Suggestions that would affect rural water districts
    - State – Comments regarding State agencies
  - Conjunctive Use/Management – Consideration of the interaction between ground and surface water
    - Legislation – Changes in Oklahoma law to recognize/not recognize the interaction of ground and surface water
    - Research – Identification of additional research needs concerning conjunctive use
  - Conservation – Decreasing use and preservation of Oklahoma's water resources
    - Education – Conservation education and educational resources
    - Incentives – State or local incentives to encourage water conservation
    - Research – Directed at water conservation measures
    - Sustainability – The continuous long-term availability of water resources
    - Technology – Equipment or other innovations intended to help conserve water
  - Economic Impacts – The effects water has on the State's economy
    - Development – Increased housing, industry, tourism, or other types of development requiring water resources
    - Population Change – The effect population change has on local and State economies
    - Recreation & Tourism – The impact recreation and tourism have on the State's economy as well as the effect water management has on recreation and tourism
    - Regulations – The effect both federal and State regulation has on water districts
    - Sales – Concerns regarding the effect the sale of water will have on the State's or basin of origin's economy
  - Health – The effect water quality and water quantity have on both human health and the environment
    - Ecological – The environmental impacts of water quality and water quantity
    - Health – The health effects resulting from a lack of available good quality potable water
  - Infrastructure – Includes, but is not limited to, drinking water and waste water treatment facilities, pipelines, dams and other associated structures
    - Needs – New infrastructure needs
    - Maintenance – Maintenance of existing infrastructure

        - Funding – Additional, continued or increased State or federal funding opportunities
    - Planning – Comments regarding the planning process for the Oklahoma Comprehensive Water Plan
        - Interstate Cooperation – Working with surrounding states to avoid conflicts regarding water flowing into and out of Oklahoma
        - Priorities – The prioritization of water usage during times of shortage to avoid later conflicts
        - Public Participation Process – Comments regarding issues with the public participation process
        - Regional Difference – Recognizing water availability, uses, and rainfall variations across the State
        - Research – Identification of possible research needs during the planning process
        - Revision – The need for updating the plan more frequently than once every 10 years or so
    - Policy/Regulations – Comments regarding various State and federal statutes (laws) and regulations (rules)
        - Adjudication – Court involvement in the management of Oklahoma's water resources
        - Enforcement – Enforcement of current laws and regulations by the appropriate agency
        - Federal Regulations – Comments about federal laws and regulations
        - Incentives – Federal and State incentive programs to promote compliance with laws and regulations
        - State Regulations – Comments about State regulations or rules
            - Permits – Comments about the permitting process
            - Water Rights – Comments about regulations concerning water rights
            - Taxes – The levying of taxes to collect money for various reasons
        - State Statutes – Comments regarding Oklahoma's water law
    - Regionalization – the consolidation of water treatment facilities or other infrastructure by municipal and/or rural water districts
        - Funding – Federal or State funds available to help facilitate regionalization
        - Incentives – To help encourage regionalization of water treatment facilities
    - Sales & Transfers – The artificial movement of water either in-state (intrastate) or out-of-state (interstate)
        - Compensation – Who should be compensated, how should they be compensated, and how much should they be compensated if water is sold or transferred
        - Control – Concerns about who would control the water and land if water is sold or transferred
        - Interstate – Out-of-state water sale or transfer
        - Intrastate – In-state water sale or transfer
    - Water Rights – Who has the right to control or use ground or surface water
        - Private Property Rights – Rights to groundwater on private property
        - Permitted Water Rights – Both surface and groundwater permitted water rights
        - Native American Rights – Tribal claims to both surface and groundwater

- Water Security – Natural and man-made threats affecting water supplies
  - Disasters – Natural or man-made disasters affecting either water infrastructure or supply
  - Terrorism – Terrorist attack on water infrastructure or supply
- Water Treatment – Includes both natural and man-made water treatment suggestions
  - Artificial – Technologies for treating both drinking and waste water
  - Natural – Ecological (environmental) ways of treating both drinking, and waste water i.e. wetlands
- Watershed Management – The management of land, including development that affects water quality and water quantity

- **Water Uses**
  - Agriculture Use – The way water is used in the agriculture industry
    - Biofuels Growth – Suggestions and concerns regarding the increased growth of crops for biofuels
  - Commercial Use – The use of water by commercial enterprises such as small businesses, etc.
  - Conservation Use – Suggestions and concerns regarding various ways to use water in a way that will conserve it
    - Reuse – The reuse of various water supplies such as treated wastewater, gray water, and storm water run-off
  - Ecological Use – Maintaining sufficient water levels to ensure the health of wildlife and ecosystems e.g. in-stream flows
    - Habitat – Water uses to protect wildlife habitat
    - Research – Identification of additional research needs regarding the ecological use of water
  - Hydropower Use – The use of dams to produce electricity
  - Industrial Use – The use of water by factories, power plants and other industrial uses
    - Biofuels Processing – The use of water in processing biofuels in the State
  - Mining Use – The use of water in the mining industry
  - Oil & Gas Use – The use of water by the oil and gas industry
  - Private Domestic Use – Household water that is not supplied by a municipality or rural water district and includes both ground and surface water
    - Wells – The use of private domestic wells
  - Public Domestic Use – Household water that is supplied by a municipality or rural water district
    - Municipality – Household water supplied by a town or city
    - Rural Water District – Household water supplied by a Rural Water District
  - Recreational Use – The use of water for recreation and to promote tourism
    - Aesthetics – Concerns about the aesthetic beauty of Oklahoma's water resources
    - Boating – The use of water for water recreation such as boating
    - Fishing – The use of water for fishing in the State's water resources
    - Golf Courses – The use of water in maintaining the State's golf courses
  - Storage – The storage of water in reservoirs, or in aquifers either naturally or artificially; may also include other storage methods such as cisterns
  - Transportation Use – The use of water to maintain Oklahoma's navigation channels, i.e. McClellan-Kerr Navigation System

- **Water Sources**
  - *Both* Ground and Surface Water – Comments referring to *both* surface and groundwater concerns
    - Quantity – The quantity of *both* surface and groundwater
    - Quality – The quality of *both* surface and groundwater
    - Both – *Both* the quality and quantity of surface and groundwater
  - Climate – The effect climate has on water sources including global warming and rain
  - Groundwater – Concerns about the State's groundwater
    - Quantity – The quantity of groundwater
    - Quality – The quality of groundwater
    - Both – *Both* the quality and quantity groundwater
  - Recycled Water – Non-traditional sources of water
    - Waste Water – Treated waste water as a water source
    - Gray Water – Gray water (water that comes usually from washing machines, showers, bathtubs, etc.) as a water source
  - Surface Water – Concerns about the State's surface water
    - Quantity – The quantity of surface water
    - Quality – The quality of surface water
    - Both – *Both* the quality and quantity of surface water