

1.

From: Lorie White

Sent: Tuesday, August 16, 2011 12:45 PM

To: Van McClendon

Subject: Proposed Lake Maumelle Watershed Plan in Pulaski County

Dear Director McClendon,

I am hoping that you will read what I have to say below and help me. It is regarding the Lake Maumelle Watershed Plan in Pulaski County that Central Arkansas Water is pushing.

Last September, December, and May, the county held public meetings about this proposed plan. A lot of land owners in Pulaski County did not know about any of them because the county does not have to mail a letter. They only put a small ad in the paper and a few notices at some businesses. Therefore, if we didn't happen to see them, we didn't know about the meetings.

Pulaski County and CAW claim that proposed land use regulatory controls for the Lake Maumelle Watershed in Pulaski County are necessary to protect the water supply for 400,000 CAW customers. CAW has been using eminent domain to condemn private property in the Lake Maumelle watershed for decades and has used its condemnation authority to acquire a one-quarter mile buffer around the lake from many small landowners, such as myself, which is much more than the 300 foot buffer required by the Arkansas Department of Health for water supply reservoirs such as Lake Maumelle. Most recently CAW used threat of condemnation to acquire another 100 acres from a small landowner who only wanted to divide his land for his five children: CAW threatened condemnation and forced a sale after its own watershed consultant said the land could have been safely developed. CAW opposed small subdivision applications of another landowner until he gave up and sold. CAW now owns 9,000 acres of watershed lands. (Just as a note, CAW is not regulated by anyone but themselves, unlike other public utilities who are regulated by the Public Service Commission. In other words, they answer to no one.)

Acquiring land by condemnation has become expensive and it is cheaper now to tie up landowners through land use controls (zoning). Pulaski County has been willing to go along with CAW's strategy while Perry County and Saline County have not. Pulaski County's proposed Land Use Plan and Regulations for the Lake Maumelle watershed will eliminate many private property rights. I could give you at least 6 in detail but I am afraid it would make this email even more lengthy. If you would like the examples I would be more than happy to provide them to you.

Pulaski County and CAW claim that small landowners will be protected by exemptions, variances and bailouts.

The non-conforming use exemption authorizes existing landowners whose property does not comply with the new regulations to remain non-compliant. If a non-compliant house burns down or is otherwise substantially destroyed (tornado, etc.), you CANNOT build it back without complying with ALL of these Land Use Controls.

The family/legacy exemption, touted as the small landowner's exemption, only applies to immediate family members, which means that banks will not loan money because a mortgage would not be enforceable. And legacy exempt property has no value because it cannot be marketed to the public. The hardship variance procedure requires an application and an approval by bureaucrats in Little Rock, and there are no guarantees that a variance will EVER be granted.

There are no guarantees that CAW will bail out me or any of my neighbors with a gift of open space to accommodate any proposed building plan. If someone doesn't already own a "small" lot, they have no chance of obtaining assistance from CAW. Furthermore, those who obtain exemptions, variances or bailouts will be stigmatized as "Outlaws" who are not complying with current standards and are adversely impacting water quality.

Don't be fooled - this is NOT about water quality. Pulaski County has already enacted a Comprehensive Subdivision Ordinance that protects the water quality, together with hundreds of pages of design and construction standards, designed to maintain good quality water as the watershed is developed over the next 100+ years. We already have more regulation than is necessary to protect the water supply. And now CAW has acquired the Wye Mountain Water District, so CAW can become the exclusive water provider for the entire watershed - increasing CAW's authority to dictate watershed policies. We are already drowning in regulation. We need less regulation, not more taking of our property rights. Our county representatives should be looking out for OUR best interests.

The County and CAW claim that these Land Use Controls are necessary because residential development is a threat to the water supply. The proposed Land Use Controls are nothing more than a PROPERTY GRAB, based on an attempt to manipulate the science and dupe the public. CAW spent \$1.2 million in 2006 on a North Carolina consultant, Tetra Tech, to prepare a "Watershed Plan". No one was surprised when Tetra Tech's work supported the CAW agenda, but that work has now been called into question. In 2010 CAW's current management hired truly independent scientists, the United States Geological Survey (USGS), to provide a new unbiased evaluation of the impacts of property development within the watershed. In fact, there is a USGS monitoring station located at the end of my property in the creek behind my house which runs into Lake Maumelle. In March 2011, the USGS issued its 103 page report "Effects of Simulated Land-Use Changes on Water Quality of Lake Maumelle, Arkansas", which concluded that if all of the small landowners who have NOT yet built homes in the watershed (10,353 acres in all) developed their lands just like those of us who have already done so, there would be only "SLIGHT CHANGES" in water quality.

When CAW got the USGS report it paid for, they did not accept it or reconsider their agenda. CAW went back to its hired gun, Tetra Tech, to undermine the USGS' work. The USGS has considered Tetra Tech's comments, and did not change the results of their findings. According to the USGS, we can all build homes on our property, or sell to others who want to build, with NO adverse impact on water quality. The USGS report does not support the proposed Land Use Controls, and we don't understand why our County continues this effort. The Land Use Controls will be the County's first such plan anywhere in the county - and we are the guinea pigs.

What I foresee happening in the near future is that CAW will acquire all the land they are after through the false condemnation of private property or by using the Land Use Control rules and then when they have everything they want, they will then and only then go back to the USGS report and use it to support their own development of the land in order to make money for themselves. I for one am not going quietly into the night with my tail tucked between my legs. I can send you pictures of CAW's so called "protected, clean watershed" property that is littered with trash, debris and all sorts of contaminants and then send you pictures of my land which I take pride in owning and living on. I can also tell you that the water that flows in the creek behind my house into Lake Maumelle is cleaner than the water that CAW provides for its 400,000 customers and I would come nearer drinking straight out of my creek than a faucet that they supply water to.

PLEASE, PLEASE, PLEASE look into what I am telling you and help us with this injustice that is being done to us.

My question to you would be, how would you feel if someone was trying to take the land you have lived on and cared for for years for no legitimate reason? I sincerely think that you would feel the same way we feel now. Thank you so much for your time and consideration in this matter.

Lorie White

2.

From: Blake, Ann

Sent: Friday, August 19, 2011 1:23 PM

To: Van McClendon

Subject: RE: Comprehensive Land Use Plan interest list

Thank you, I attended the meeting at the Winfield Methodist Church and felt you fielded the questions very well. There are a lot of very upset property owners that hopefully can swallow the changes that are coming for the sake of water quality. There are some that are not willing to compromise at all, and some (like me) that are willing to compromise for the sake of water quality in my area. I hope that there can be some compromises in the plan like Mr. Stacks, the Quorum Court representative, stated on the part of Pulaski County such as the 36' height issue and the issue that was brought up regarding a complete re-build from fire damage. I would like to see both of those items stricken from the plan. Also I would like to find out how the violation citations will be addressed. Will your inspectors be sending out letters to the residence if they see violations or will we be given the opportunity to address any violations within a period of time prior to being sent straight to the courts? Please explain how the enforcement of the plan will take place with respect to fines, etc... I believe I read somewhere in the plan that utilities may be disconnected if a violation is found?

Additionally, My husband and I own 1 acre in the LI area about a mile past Bringle Creek on Hwy 10. If we plan on adding on a family room eventually to our home in the future and a deck onto the back of our home on two separate occasions it's my understanding that I will have to:

- 1) Get a building permit each time
- 2) Keep it under 500 sq ft.

Where I'm confused is if I build these items at separate times can I have only a total of 500 sq. ft. period, or does this mean that I can add 500 sq. ft. per building permit.

Ann Blake

Hazardous Waste Inspector
Enforcement & Inspection Branch
Hazardous Waste Division

Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118
office: 1-501-682-0827
fax: 1-501-682-0565

3.

On Aug 29, 2011, at 12:26 PM, "KC LOWERY" wrote:
Justice of the Peace Elliot and Director McClendon,-

I urge you to put what the people you represent want first.

How will these new laws effect property values in an already strained market? Will it make houses easier to sell? Would YOU move into an area where you have to go before a board to change your private property as you see fit?

We need the laws to be in the best interest of private property owners to avoid oppressing the right of sale by oversight.

Protecting the watershed at the expense of private property freedom of sale or modification???

This makes sense only to those in the line of monetary gain.

My recommended plan, is that JP gets with Mayor/ city councils surrounding the watershed in order to take up ordinances giving constituents a proper voice in this matter and then the county moves into an enforcement/audit role.

Hampering private property owners rights won't get you safer water, nor will it preserve liberty in the long run.

Vote NO on "Pulaski County Comprehensive Land Use Plan," and say **YES to** preserving private property owners rights in Pulaski county.

"Any society that would give up a little liberty to gain a little security will deserve neither and lose both."
- Ben Franklin

Thank you,

KC D Lowery
Private property owner
West Military Drive,
North Little Rock AR 72118

4.

From: robynn zinser

Sent: Monday, September 05, 2011 1:04 PM

To: Van McClendon

Subject: Maumelle Watershed

Dear Mr. McClendon,

I am writing in support of the land use plan for the Maumelle Watershed. Protecting the source of our community's drinking water will result in higher land values for landowners, as well as economic benefits for nearby communities.

The current plan protects our water by such measures as prohibiting detrimental use of land near the water and requiring vegetation buffers around the water.

These are common sense measures to ensure that we protect our drinking source from harmful contaminants. I've always been happy to offer visitors to our city a drink of our water straight from the tap. In many cities I will not drink the water, and have to buy bottles of it at quite an expense. This is a natural resource that must be protected, not just for us, but for future residents as well. It is our duty to take these measures now. We must stand up to those who would place financial gain above public safety.

Thank you for your consideration in this matter.

Sincerely,
Dr. Robynn Zinser

5.

From: Faith Anaya
Sent: Monday, September 05, 2011 10:53 AM
To: Van McClendon
Subject: A Land Use Plan Is Essential
Dear Mr. McClendon,

I believe that a land use plan for the Maumelle Watershed is essential for the protection of the drinking water supply of almost 400,000 residents of Central Arkansas. The plan

- *prohibits detrimental uses (such as surface mining or trash dumps) in the Watershed
- * requires undisturbed vegetation buffers along the streams that flow into Lake Maumelle
- * protects the property rights of all Watershed landowners through enactment of an

equable

land use plan implemented by County staff and overseen by County elected officials.

Experience in other parts of the country has shown that protecting community drinking water supply results in increased land values for the watershed's landowners and economic benefits for nearby communities.

Planning so that all interests and points of view are taken into account just makes sense, avoids considering only the desires of special interests and protects a fundamental resource.

Thank you for your work on this issue.

Faith Anaya
Little Rock

6.

From: Jim Pfeifer
Sent: Monday, September 05, 2011 11:33 PM
To: Van McClendon
Subject: Re: Maumelle Watershed

I respectfully support a land use plan for the Watershed which prohibits surface mining and trash dumps in the Watershed; requires undisturbed vegetation buffers along the streams that flow into Lake Maumelle; and protects the property rights of all Watershed landowners through enactment of an equable land use plan implemented by County staff and overseen by County elected officials.

Thank you for keeping us informed on this issue. Please continue to observe the wishes of the community and protect the drinking water; and please do not give in to wealthy property developers who would not take such care to protect the water. Development needs to be carefully monitored with strict guidelines.

Thank you

Jim Pfeifer

15 Piedmont Lane
Little Rock AR

7.

From: Dorothy J Ahring
Sent: Tuesday, September 06, 2011 9:15 PM
To: Van McClendon
Subject: Maumelle Watershed
Dear Mr McClendon,

I am a resident of the Maumelle Watershed and I support a land-use plan that will protect the Central Arkansas drinking water supply. I am concerned about possible pollution in our drinking water reservoir. I have been aware of this issue for some time and know that the original effort came from the water utility officials responsible for this reservoir. I know that many people in our community have been working on this, such as the local Audubon Society, Watershed landowners and other civic activists and that the report warning against excessive development was a consensus of all views.

I see the value in zoning that will assure the current use of my property and protect against neighbors who might develop nearby that would put pollution into the drinking water reservoir. I would also like to see protection against high rise buildings (such as the 36 ft limit for new buildings) which would block views and keep control of excessive development.
Thank you for your consideration.

Dorothy Ahring

8.

From: faye dobbins
Sent: Wednesday, September 07, 2011 10:06 AM
Subject: Comments on Lake Maumelle Watershed Management Plan

My name is Lex Dobbins. I have recently retired from the Arkansas Department of Health as an Environmental Health Specialist. During my 35 year career, I worked in the On-site Sewage Disposal Program. I worked with Bruno Kirsch, the Director of the Department's Division of Engineering, in the late 1970's to develop rules and regulations pertaining to sewage disposal and the first manual on utilizing alternative sewage disposal systems. I was also responsible for developing policies and procedures, training programs and design manuals for all Health Department environmental health specialists. Over the years, I have assisted in the development of subdivisions utilizing on-site sewage disposal and have reviewed and inspected between 4,000-5,000 on-site sewage disposal systems.

I am aware that there is the possibility that the Lake Maumelle watershed may be developed for residential and commercial purposes. It is my opinion that a watershed which is used as a source for drinking water should never be developed. However, if the development of the watershed is a foregone conclusion, I offer the following comments.

I have read the May 2007 Lake Maumelle Watershed Management Plan prepared by Tetra Tech, Inc. In my opinion, the safest way to develop the watershed with, hopefully, minimal impact would be to utilize 5 acre tracts on low slope areas and 10 acre tracts on high slope areas and be restricted to single family residences and small businesses on all lands that have the potential to drain any surface water directly or indirectly into Lake Maumelle. This includes Critical Area B and the Upper Watershed but not Critical Area A, CAW property, and the Trust for Public Lands property, which should not be developed. The preferred method of sewage disposal would be the utilization of lift stations that would pump the effluent out of the watershed for treatment and disposal. The only negative comment Tetra Tech had about this method

was the possibility of power failure which would affect the lift stations. This problem can be alleviated with back-up generators.

I realize that this is a somewhat conservative approach; however, it would be ill-advised to utilize any method of sub-surface disposal of sewage effluent due to the soil conditions in the watershed. The U.S.D.A. Soil Conservation Service has rated the overwhelming majority of soils in the watershed as very limited for sewage absorption fields. The reasons for this designation relate to slowly permeable clay, shallow bedrock, seasonal water tables and slope. As far as slope is concerned, proposed disposal sites cannot be graded to minimize slope as this procedure would destroy the natural soil properties and is not allowed by Health Department regulations.

It should also be noted that the Arkansas Department of Health developed two regulations in July 2010 pertaining to on-site sewage disposal and drip irrigation. These regulations are basically a theoretical approach to allow the installation of subsurface sewage absorption fields in clay soils, soils with perched water tables and soils with shallow bedrock. These new regulations were developed in a cooperative effort between the University of Arkansas and the Arkansas Department of Health. Dr. E. Moye Rutledge, PhD, professor in the U of A Department of Crop, Soil and Environmental Sciences, was the primary source for the load design model for subsurface disposal of sewage effluent in these soils. Dr. Rutledge qualified this new concept of utilizing limited soils with the caveat that these systems may malfunction and discharge sewage to the soil surface during periods of stress. It has been my experience that these stress periods usually occur from December through April when the evaporation of soil moisture is minimal and soil moisture is increased due to precipitation. Dr. Rutledge has further stated that the absorption fields should only discharge sewage effluent to the ground surface for a short period; however, the length of time and the percentage of failed systems is usually dependent on the duration of the stress periods. It is not known how long the surfacing of effluent would last or statistically how many systems would fail. The results would be the same for an on-site disposal system or a central location where a large disposal field serves a subdivision. The methods of disposal introduced in the 2010 regulations and mentioned in the plan prepared by Tetra Tech are capping fill which is slope limited, and drip irrigation, which is relatively new. Neither of these methods has been fully evaluated by the State of Arkansas for subsurface disposal. It should also be noted that mound systems, which were also mentioned in Tetra Tech's plan, are no longer considered due to poor performance and have been excluded from Health Department regulations.

It is my opinion that small diameter collection systems should be utilized to pump the effluent out of the watershed in conjunction with large tract development thus causing the least damage to the watershed.

Anyone who wishes to discuss this issue may contact me at 501-231-1865 or bigsky1302@att.net.

9.

Merry Helen Hedges
Roland AR

Director Van McClendon:

Greetings. I have a few comments regarding the Lake Maumelle Land Use Regulations.

1. You agreed that the risk of pollution was real and that remedies were needed.
2. This protection policy for safe drinking water came from local folks and not from outsiders; people such as local scientists, members of the Audubon Society, watershed landowners to civic activists to the Chamber of Commerce. The warning to act against excessive development was by consensus of all views together.

3. The original effort came from the water utility officials responsible for this reservoir for the next 50 years.
4. I put high value on the economic development brought about because our water supply is clean, abundant and cheap.
5. I do see the value in zoning that will assure my current use of my property and protecting me from any nuisances from neighbors who might develop nearby, interfering in my lifestyle and putting pollution into the drinking-water reservoir. Examples of this would be medical-waste landfills, open-pit mining, a regional power transmission line, an injection well, or a confined animal operation, which we call a feed lot for cows or pigs or chickens in large numbers.
6. In my experience of being a property owner for many years zoning seems to raise land values.
7. I want to keep pollution out of Lake Maumelle from excessive land development because then all would face the cost of a new expensive treatment plant and some things cannot be removed in any event such as some prescriptive drugs in sewage or some lawn chemicals that could wash into the lake in a big rain.

I will sincerely appreciate you taking these statements advisedly and thoughtfully.

Merry Helen Hedges

10.

From: Earl Hillard

Sent: Thursday, September 08, 2011 4:21 PM

To: Van McClendon

Subject: Lake Maumelle Watershed Land Use & Controls

Van:

I have the following questions after attending the August 15th meeting:

1. Why is subsurface mining being allowed? This is a very dangerous action to allow. In other places, such as Louisiana, drilling has contaminated bodies of water. Drilling disturbs the karst which then may allow contamination of water and/or land many miles from the drilling site.
2. Will both vertical and horizontal drilling be allowed? Horizontal is even worse than vertical drilling as regards contamination possibilities.
3. What are the penalties for zoning violations? If there are fines, what are they and are they sufficiently severe enough to discourage zoning violations?

I plead for you to investigate the dangers of drilling in a watershed, to reconsider the decision to allow drilling and to change the drilling restriction back to NO DRILLING before presentation to the Board of Commissioners. I live in the watershed and when the Wye water system is finally connected to CAW, I do not want that Lake Maumelle water or anyone's water contaminated by any means, including drilling. That is why I strongly support the zoning efforts. I can live with the other changes made in the zoning proposal presented at the August 15th meeting.

Thank you for considering my request.

Earl Hillard
Roland, AR

11.

From: Kristy Eanes

Sent: Friday, September 09, 2011 11:37 AM

To: Van McClendon

Cc: Jim Cranor; rvoyles@northlittlerock.ar.gov

Subject: RE: Zoning Question

Mr. McClendon,

Thank you for your reply and the information link you sent. Thank you also for all good work you do for our city. I am a land owner in the Watershed and in particular the Little Italy community.

Please allow me to speak plainly: We are all concerned because we understand the city is without money to purchase all our valuable land and further you want to develop this land and further still you are using the guise of clean water as a reason for taking what we own without paying us for it. There are already processes in place for clean water and so this doesn't make sense except that you have an underlying reason.

I have a question: what does changing the name of Little Italy to "The Village" have to do with clean water? It sounds like a plan for a retirement community. I am from an Italian immigrant family and there are still many of us who own land there. Sorry, but that is not going to happen. We cannot allow you to change the name of our community.

It would have been lovely if the city would have partnered with us in some way on the real plans you have for the Watershed. I encourage you to trash this plan and come up with one that works with your fellow Arkansans who do their fair share of work here and paying taxes here.

Does the city really want to pick a fight with the little guys - decendents of immigrant families and the working poor who have been blessed to own property in the Watershed? Please work with us to find a better way. Once the little guys organize, which we are doing, it might make things stressful for you and the city. We certainly won't sit idly by and let you rezone us out of our property.

Can there please be a better way? Can't we work together?

Looking forward to seeing you on the 27th. I love my state. Please help us keep it Natural and in the hands of the people.

Sincerely,

Kristy Eanes

12.

On Sep 10, 2011, at 1:03 PM, "Bill Shepherd" wrote:

2805 Linden, Apt. 3

Little Rock, Arkansas 72205-5974

September 10, 2011

Mr. Van McClendon, CFM

Director

Pulaski County Planning & Development

3200 Brown Street

Little Rock, Arkansas 72204

Re: Draft Regulations for the Land Use Plan

Dear Mr. McClendon:

I attended the presentation last month by representatives from WRT and was strongly impressed that the team from that company has done a good job for us. The regulations that they propose would protect the quality of water in Lake Maumelle while minimizing the regulatory burden on landowners in the watershed and at the same time protecting their property values from otherwise permissible actions of their neighbors.

There may be minor adjustments that should be made before the regulations are presented to the Quorum Court for adoption, but the overall approach is excellent. For that matter, it should be expected that other needs for minor adjustment will become apparent after the regulations have been in force for a year or two.

Central Arkansas needs to get our water protected now, while the status of the world and national economy is requiring a pause in the construction of new homes. Once the westward expansion of Little Rock's population begins in earnest again, it may be too late to protect the source of high-quality drinking water that makes it possible for our metropolitan area to grow and prosper.

I thank you for all your hard work on these regulations and endorse them wholeheartedly as a Land Use Plan for adoption by the Pulaski County Quorum Court.

Sincerely,

William M. Shepherd

cc: The Hon. Julie Blackwood, Justice of the Peace

13.

Draft Comments on WRT recommendations

*Martin Maner, P.E. Director of Watershed Management, CAW
September 12, 2011*

Maner's Comments on the Pulaski County "Draft-For Discussion Only" Pulaski County, Arkansas Lake Maumelle Watershed Zoning Code dated June 24, 2011 and the PowerPoint Presentation of August 15, 2011.

- Regarding Prohibited Uses:
 - Note that the item "Waste collection or processing, including but not limited to medical, animal, food waste and Septage" Should be clarified to include Land Application of these wastes.
Thus it would read "Waste collection, processing, ***or land application***, including but not limited to ... etc.
- Regarding Prohibited Uses in Table 5 Use Matrix on page 16 of the June 24 draft ordinance: The Use under Utilities addressing Solid Waste Landfills - Landfills should be prohibited outright. Note that ADEQ *has* to permit a landfill if the application meets all the necessary requirements. A landfill should not be allowed in the watershed. I suggest all the sentence following Solid Waste Landfills, should be struck.
- Regarding Dedication of Land, Item F(2) of the June 24 draft ordinance: Add "Land Trust" to this item.

On page 22 of the June 24 draft ordinance in item F(4)(d)(v), please strike "or Central Arkansas Water" from the first sentence of that item.

September 12, 2011

14.

Mr. Van McClendon, Director
Pulaski County Planning & Development
3200 Brown Street
Little Rock, Arkansas 72204

Re: Land Use Plan for the Lake Maumelle Watershed

Dear Mr. McClendon,

The Audubon Society of Central Arkansas (ASCA), with approximately 650 members, favors Pulaski County adopting a Land Use Plan for the Lake Maumelle watershed. The Land Use Plan will offer additional protections for this critically important, high quality public drinking water supply. This is a public health as well as a critical economic issue for the approximately 400,000 central Arkansans who rely on Lake Maumelle for their drinking water.

The proposed Land Use Plan includes a number of protections not included in existing Pulaski County subdivision regulations, Chapter 8, or the Site Evaluation Tool. These include such protections as prohibited uses, stream buffers, a 36' height restriction and undisturbed areas.

We know that certain land uses are incompatible in the watershed of a public drinking water supply including power plants, power transmission lines, hazardous waste sites, solid waste landfills, junkyards, medical waste facilities and a number of other uses enumerated in the Land Use Plan.

Stream buffers are not currently required in the Lake Maumelle watershed. We understand the width of stream buffers now being proposed has recently been reduced to 50' on both sides of all stream classifications. Stream buffers are needed to protect riparian zones and reduce runoff in these highly erodible areas. We ask that Pulaski Co. rely on science to determine how wide stream buffers need to be to adequately protect these vital stream corridors.

A 36' height restriction has attracted a lot of attention as possibly being unnecessary. That height restriction helps protect the lake from runoff and also protects private property rights. The 36' height restriction would prevent multi-family housing (apartments, condos, etc.) from being built higher than 36'. And if a property owner built a house near a ridge line and enjoyed a view of the lake, it would help protect that view by keeping a property owner immediately downhill from building a tall structure that might block that view.

All new development would be required to set aside a percentage of undisturbed land as part of their development projects. We know that leaving areas undisturbed offers the best protection to reduce the runoff of pollutants into Lake Maumelle. Those green belts will be an asset not only for adjacent property owners but also for Lake Maumelle by reducing runoff.

All of the above is precisely why a Land Use Plan is needed, to complement existing regulations to ensure Lake Maumelle provides clean, safe drinking water not only for us but for future generations. Please share with members of the Pulaski County Planning Board and Quorum Court that the Audubon Society of Central Arkansas, with members in all 15 Quorum Court districts, supports a Land Use Plan.

Sincerely,
Jane Gulley,
ASCA President

15.

From: Clark, Richard B
Sent: Tuesday, September 13, 2011 3:20 PM
To: Van McClendon
Subject: watershed zoning
Dear Dr. McClendon ,

We think that it is very important to zone the Maumelle Watershed Zone in a way to keep the drinking water clean .

Thank You Very Much ,

Dr. & Mrs. Richard B. Clark

16.

From: joe wagner
Sent: Tuesday, September 13, 2011 8:45 PM
To: Van McClendon
Subject: Water shed zoning proposal
Dear Planning and Development Commission:

I have received a letter dated September 6 2011 from you stating that you will have a meeting September 27, 2011 at the Winfield United Methodist Church on Cantrell road. Pursuant to this notification, I have the following points which you must consider and I hope you address fully at this meeting in public:

1. Judging by the response at the last meeting on September 8th, all of the people involved are concerned that you are removing property rights under the guise of "water quality concerns". I have read your reports and do not see evidence which requires this extreme action that your board is proposing. Therefore we can only believe you are trying to reach a goal which has been set for you by your associates who you answer to.

2.The State of Arkansas has a position for overtaking private property: **To wit: 22. Property rights - Taking without just compensation prohibited.**"The right of property is before and higher than any constitutional sanction; and private property shall not be taken, appropriated or damaged for public use, without just compensation therefor."

We understand why the LR Planning Commission is taking this course to tie the land up by re-zoning it. There is obviously no case for eminent domain (The right of a government or its agent to expropriate private property for public use, with payment of compensation.) The court cost would be exorbitant and you would lose the case.

With this re-zoning tack, the Board can take their time and carefully let the market (real estate) and property values take their course. Taxes WILL be raised soon. People WILL have to leave. Environmental rules (which cannot be firmly stated yet even now by your studies) can then be formulated to disadvantage the poor people living in this watershed and drive the last nail in their private land ownership coffin for many local people, and even those across Arkansas due to this precedent setting move. Only the well financed investors will be able to move in because they can afford the trumped up environmental hurdles.

The re-zoning tack is a violation of human rights and the Arkansas constitution. You lawyers may not agree with this statement, but the free people who own land up there and across Arkansas disagree with this plan. How can such a travesty occur in the land of the free? We understand that you have been having many meetings for people to attend. However, this effort by your group has not been registering as it is registering now.

3. Upon reading the well worded letter you sent, we found the letter was trying to be calming. It was alarming. The FAQ attachment tried to infer that the Board's intentions are reasonable for any landowner to accept.

- Question 1: once the re-zoning is in place, will the answers to the frequently asked questions (Board's intentions) be the final state of the private land use rules - forever , as you infer?
- Question 2: do the 546 people living in the watershed have any power to stop this re-zoning effort? If so what is our recourse? Have you divulged this to the public?
- Question 3: Can the LR Planning Commission please step back and slow down this charge toward re-zoning and allow the people to organize and absorb the full meaning of this and have peaceful dialog?

The proposed re-zoning is not a good deal for landowners and further sets precedence for a way of overtaking private property which belongs to our citizens. Never has any governing body zoned land outside of a city in a rural area! We ask that you stop this initiative and provide more clear evidence which is understandable to people who own the land. Our personal property rights are going to be trampled by the Board if this passes. We urge you to oppose approval of this land use zoning proposal.

Sincerely and respectfully,
Joseph Robert Wagner
Little Rock AR,

17.

From: Dhar6@aol.com

Sent: Tuesday, September 13, 2011 9:17 PM

To: Van McClendon

Cc: karn@karnnews.com

Subject: comments about the watershed

i was listening to KARN on my drive home from work and it got me to thinking about the mess pulaski county government has gotten themselves into.

i do not understand all this hubbub about the lake maumelle watershed.

I have lived in the Dallas/Ft Worth metro area of 6 million people with numerous lakes surrounding that area. Those lakes were used for recreation and for the public water system, too. the general public could swim, ski, fish or whatever and that same water was filtered for the public to drink.

There were cattle ranches and industrial parks and there were regulations for those businesses, but nothing like the mess that pulaski county has managed to stir up with the landowners around here.

The Central Ar Water system and Pulaski county has wasted a lot of time and money for something they should have worked out themselves without involving any of the people living within the areas of the watershed.

If they don't know how to filter water by now we are really in trouble.

I have lived in Arkansas for over 30 years and you still can't get it right.

18.

From: Kathy Wells

Sent: Wednesday, September 14, 2011 12:28 AM

To: Van McClendon

Cc: CLRN WEB site; DNA WEB site

Subject: Coalition supports Maumelle Land-Use Plan; urges JPs to adopt it- have you commented? Fri. is deadline!

Coalition of Greater Little Rock Neighborhoods

An Advocate of Quality City Neighborhoods

<http://groups.yahoo.com/group/LRNeighborhoods>

President Kathy Wells

Box 777, Little Rock, AR 72203

501-960-6918

Treasurer Karen Walls

15 Belmont Dr., Little Rock, AR 72204

501-562-6877

September 13, 2011

Van McClendon, Director

Pulaski Co. Planning and Development Dept.

3200 S. Brown St.

Little Rock, AR 72204

Dear Van,

The Coalition of Greater Little Rock Neighborhoods supports this proposed Maumelle Watershed Land-Use Plan, and encourages our Justices of the Peace to adopt it. You and the county consultants have balanced well the competing interests. These include those of the water utility seeking to keep its drinking-water reservoir clean; developers, notably Deltic Timber Co., with its 30,000 acres, who wish less regulation; and current property owners, who wish to remain undisturbed. The community interest in this engine for economic development has also been taken into account.

Our members, who drink the water, appreciate the effort invested in controlling excessive development, and the risk that represents of polluting Lake Maumelle. All of those interests combined worked on the original Maumelle Management Plan, and now we see the fruit of that groundwork in this proposal.

We are glad to see that the current landowners will continue as they have been, and as they are today. Only those developing new subdivisions and the like are regulated, essentially. The utility investment in timberland offsets their minor changes and addition to their property. They benefit from a practical application of the old law: Your right to swing your fist ends where my nose begins. Prohibited practices in this proposal would keep out undesirable operations like medical waste landfills, injection wells, and animal feed lots.

We enclose a copy of a Fact Sheet provided by Citizens Protecting Maumelle Watershed, which makes other valuable points.

Yours Truly,
Kathy Wells
President

* * *

Fact Sheet

Lake Maumelle Land Use Plan

The following are some questions and answers regarding the proposed Land Use Plan for the Pulaski County portion of the Lake Maumelle watershed:

Question 1: Who is pushing for a Land Use Plan for the Lake Maumelle watershed?

Answer: For many years the citizens of Little Rock, North Little Rock and more than a dozen other communities who get their water from Central Arkansas Water have been urging stronger protections for the Lake Maumelle watershed, the area that drains downhill into the lake. Lake Maumelle provides a majority of the drinking water for about 400,000 central Arkansans. During this record-setting hot summer, where would we have been without this incredible resource that is vital to the public health and also to our economy?

Question 2: Lake Maumelle has been in existence more than 50 years. Why is there a need to protect it now?

Answer: Development pressures have increased dramatically in the past 10 years as Little Rock grows westward. More people, more buildings and more construction equal a greater threat of pollution getting into our drinking water supply. County land use regulations will help current residents maintain their existing, more rural lifestyle, which is threatened by excessive new development.

Question 3: Why doesn't Central Arkansas Water establish and enforce a Land Use Plan in the Lake Maumelle watershed for themselves?

Answer: Central Arkansas Water is a utility and as such does not have the legal authority to enact and enforce ordinances on land use and development. Pulaski County does have that authority. In addition, as a public governing body, actions Pulaski County take under planning and development regulation are done openly by elected officials (Quorum Court, County Judge) or their representatives (County Planning Board).

Question 4: Why not just let developers do whatever they want in the watershed and then treat the pollution that we know will get into our drinking water?

Answer: As pollution increases so will the need for more intense water treatment. Intense water treatment methods can produce dangerous chemical byproducts, including some that are known to cause cancer during the treatment process, resulting in new threats to safety. In addition, some pollutants and chemicals cannot be removed by treating our drinking water. The cost of treatment is much more expensive than keeping pollutants from getting into our drinking water in the first place.

Question 5: How have current residents of the Lake Maumelle watershed done in helping protect water quality?

Answer: Today's high quality drinking water is the result of several factors including the good stewardship of residents who already live in the watershed, Central Arkansas Water's ownership of a 1/4-mile protective buffer around the lake and the watershed remaining relatively undeveloped. But large numbers of people moving into new developments in the watershed would add new pollutants that could present major public health issues for the 400,000 Arkansans who drink the water. Low levels of certain pollutants and chemicals that cannot be completely removed by treatment would pose a greater threat to children, the elderly and those whose immune systems are compromised.

Question 6: How does economics enter into the decision regarding a Land Use Plan?

Answer: High quality, affordable drinking water is one of the engines that drives our economy. The civic leaders who had the vision in the 1950s to build Lake Maumelle saw the long-lasting economic impact that decision would have on our economy. As a community, we have a responsibility to our children and grandchildren to ensure that the high quality drinking water we enjoy from Lake Maumelle today is there for them in the future.

Question 7: What types of uses would be prohibited under the Land Use Plan that are not currently prohibited?

Answer: Examples of some prohibited uses in the Land Use Plan are (1) power plants, (2) medical waste facilities, (3) large confined animal operations, (4) hazardous waste, (5) solid waste landfills and (6) junkyards.

19.

From: Edith Bradberry
Sent: Wednesday, September 14, 2011 7:27 AM
To: Van McClendon
Subject: Land Use Development Plan

Our future "prosperity" is dependent on safe drinking water- please hear the voices of people who see this and make sure that land use is regulated for future good and safety of the community!!

Edith Bradberry
Maumelle,Ar

20.

From: Ward, Ruth
Sent: Wednesday, September 14, 2011 8:57 AM
To: Van McClendon
Subject: Lake Maumelle Land Use Plan

"I support a Land Use Development Plan to ensure that Lake Maumelle remains a source of excellent drinking water at a reasonable cost. Establishing a set of rules and a way to monitor and regulate the development of this watershed is a good idea for Pulaski County, for the residents who currently live in this area, and for future residents."

Ruth Ward

21.

From: David Rickard
Sent: Wednesday, September 14, 2011 9:50 AM
To: Van McClendon
Subject: Lake Maumelle Land Use
Dear Mr. McClendon,

I support a Land Use Development Plan to ensure that Lake Maumelle remains a source of excellent

drinking water at a reasonable cost. Establishing a set of rules and a way to monitor and regulate the development of this watershed is a good idea for Pulaski County, for the residents who currently live in this area, and for future residents."

Dave

David L. Rickard

"It is in our lives, and not from our words, that our religion must be read." Thomas Jefferson

22.

From: Barbara

Sent: Wednesday, September 14, 2011 12:07 PM

To: Van McClendon

Subject: Topics for discussion - September 27, 2011

Mr. McClendon:

It's my understanding that American citizens will not be "allowed" to bring up questions at the next "public meeting" without first submitting those questions or comment topics to the Planning Commissioners. I was unable to enter the website indicated in your letter of September 6, 2011 as the website was not available for use --- just another indication of the efficiency of government workers, I presume. Therefore, I am submitting my questions to the only available email address to which I have access that concerns the watershed meetings.

The following are questions that will be brought up for discussion at the meeting at Winfield United Methodist Church on September 27, 2011 by James (Butch) and Barbara Penney.

- 1. Whether or not this plan defies the Constitutional rights of landowners – to wit: "The right of property is before and higher than any constitutional sanction; and private property shall not be taken, appropriated or damaged for public use, without just compensations..."**
- 2. Why anyone in the public should have the right and privilege to decide what is "esthetically pleasing" when concerning another person's personal property.**
- 3. Why the height of a building on any property is assumed to affect the cleanliness of water.**
- 4. Why landowners in the watershed area of Pulaski County should have to endure discrimination as compared to all other residents of Pulaski County.**
- 5. Why Arkansans and citizens from other States who do not live in the watershed area have the right and privilege of governing over landowners.**
- 6. Why Federal Government studies are being ignored as to water quality and replaced with the opinions of a private company that is being paid by Central Arkansas Water.**
- 7. Why personal freedoms are being ignored.**
- 8. Why Pulaski County government has already begun to try to enforce rules that have not been established in way, shape or form.**
- 9. What makes the effort to take land and inflict rules of use for private property anything other than Communism occurring in the United States of America which is a Republic.**
- 10. Why Pulaski County government believes it right and just to demand property taxes be paid by citizens on land being governed by the County.**
- 11. Why, after losing a dwelling or building to fire, should a citizen be required to request permission to rebuild on their private property.**
- 12. Any other question that may occur to either of us in the course of this meeting.**

23.

From: Mary

Sent: Wednesday, September 14, 2011 2:56 PM

To: Van McClendon

Subject: Maumelle Watershed plan

Dear Sir,

My husband and I are property owners in this area and are very distressed about your Maumelle Watershed proposal.

This country was founded on the principles of liberty and you are attempting to restrict those rights of ours intended by God and the founding fathers. We are educated, intelligent people and we feel that we can handle our land better than you or anyone else in any government agency. I do not believe that this proposal is about water but about power. You and your agency want control over what is not yours and We The People are offended and insist that you refrain from trying to take what is not yours.

No government agency should be able to tell me what additions I can make on my home or what use I can or can't make of my land or minerals.

We will do whatever it takes to retain our freedom.

Sincerely,

Mary and Tery Baskin

24.

From: Phil Krause

Sent: Wednesday, September 14, 2011 9:12 AM

To: Van McClendon

Cc: Phil Krause

Subject: concern about timing of public hearing/Q ct. meeting

Hi, Mr. McClendon,

I appreciate your desire to gather input from the public about the proposed Lake Maumelle Watershed Land Use Plan. As a resident of the Lake Maumelle watershed, I am looking forward to attending the meeting scheduled for Sept. 27.

It was disappointing to me, however, to hear that none of the Pulaski Co. Quorum Court members will be there, due to a meeting they have at the same time. It seems to me that, since this is probably one of the last public hearings before they vote to approve or reject the plan, it would be helpful for as many of them to attend as possible. I know it's rather late in the game, but would it be possible to consider changing the time either of the public hearing or the Pul. Co. Q. C. meeting scheduled for the 27th? I recognize you don't have anything to do with the scheduling of their meetings, but perhaps you could request that they change their meeting to another time. If nothing else, it might help avoid the perception (whether right or wrong) that scheduling the two meetings to coincide with one another was done intentionally.

Thank you for considering this matter. It is frustrating to many of us that—as we see it—the fate of what we may or may not do with our land rests in the hands of only a very few justices of the peace, and that the residents of the whole area under consideration are only represented by one of the 15 J.P.'s.

Sincerely,

~ pk

Phil Krause
Little Italy

25.

From: Daniel Wagner
Sent: Wednesday, September 14, 2011 3:44 PM
To: Van McClendon
Subject: Lake Maumelle Watershed
Dear Planning Commission:

Regarding the proposed Watershed development and re-zoning initiative, I do not agree that this is a good solution. Arkansas/Pulaski County has water quality solutions already in place for this and surrounding areas. This proposal does not address water quality issues. It is simply a proposal to control 40,000 + acres of land which ultimately would be owned by Pulaski County and taken from the Arkansas citizens that live there.

Further we have been given information which shows Lake Maumelle's water quality to be very good with existing regulations. There is no reason to suggest that current and future land owners surrounding this area will deteriorate the water table in the foreseeable future. If you have evidence of this then bring it to the meeting on the 27th and let us hear and understand what the concerns are. That is my main question to you. Further, this open-ended proposal does not lay out anything specific and thus can not in good conscience be voted through. You have an obligation to not set in place something which is not fully defined up front. We need to know ALL of the rules and regulations that would be in place if the proposal were to pass.

I am personally offended that this proposal even got this far and want every effort made to remove it from consideration. I appreciate your time and consideration.

Regards,

Daniel Wagner
Little Rock, AR

26.

From: Lorie White
Sent: Wednesday, September 14, 2011 5:21 PM
To: Van McClendon
Subject: Comments regarding Proposed Zoning for Lake Maumelle Watershed Area
Pulaski County Planning Board Members:

My name is Fred White Jr. and I live on Highway 10 next to Bringle Creek. This plan you are presenting has nothing to do with Clean Water. I have talked to the people testing the water with Tetra-Tec and the USGS from time to time and they told me personally that Lake Maumelle water is cleaner than any other water in the United States.

We are good stewards of the land. My family has owned this land since 1950, before Lake Maumelle was even built. You don't see big growth because most of the land has been in the same family for years. Ex-Senator Bobby Johnson is out here right now trying to buy every piece of land he can buy, telling people their land is worth nothing. If it is worth nothing, why would he want it?

I also want to know how you can take a piece of property out of the watershed because a person is very wealthy (The Alotian Golf Course is what I am referring to). This is discrimination! Regular people like us should be given the same consideration if this is REALLY about clean water.

You said we could not mow or fertilize. Well the Alotian Golf Course does right down to Highway 10 and they are directly on Lake Maumelle. This is America! How can you just take a big piece of property and set it aside? They said they gave 9,000 acres for the watershed. The time is just about to run out for their watershed. What will you do then?

Judge Buddy Villines told me personally there would not be any zoning in the watershed area. He obviously lied! Who do we trust?

Fred White Jr.
Bigelow, AR 72016

27.

From: Lorie White

Sent: Wednesday, September 14, 2011 5:22 PM

To: Van McClendon

Subject: Comments regarding Proposed Zoning in Lake Maumelle Watershed

Dear Planning Board;

My name is Judy White and my husband and I have lived in the watershed since 1960 and my family has lived on the same land since 1950. So my family was here to see Lake Maumelle built. When the lake was built we gave 22 acres of our land for the watershed. Most of the land on Highway 10 is already woods and grass. There are a lot fewer families that live in our area than there were in years past. I know this because I worked for the Pulaski County Special School District for 13 years. If you cut our property values, so will the taxes for schools be cut. The only pollution that is going on in our area now is due to hunting and people putting boats in the lake. Did you know that a quart of oil pollutes 250,000 gallons of water that must be cleaned?

Why do we need ZONING when there is already a Subdivision Law in force that protects the water and the watershed? Why the LAND GRAB???

Why would you want to fix something that has already been fixed and is working and will work for the next 100+ years according to the USGS? And when will the so called "fixing" stop?

I have been to every meeting and at the meeting at the Clinton Studies Institute, one of the Citizens' for Clean Water looked around at me and said, "We don't want to build anymore treatment plants." If Central Arkansas Water keeps adding more customers as they are with the Wye Mountain Water District, it looks to me like they will have to build more treatment plants. Besides the US Government has put new rules for treating water into effect and everything has to be replaced, especially water treatment plants because of the chemicals that are used. Water is a GIFT FROM GOD!

I want you board members to think very hard about this matter before you vote. How would you like all of your rights as land owners taken away from you where you live now? Remember, if you do this you could be next by setting precedence. Do you want to live in a County, City, State or Country where your rights as land owners can be taken away? NOT ME!!!

I don't know how many of you have actually read this complete draft, so here is another part of it that you as an American citizen should really think about; If my home burns down or is blown away, I have to go before the zoning administrator (Planning Board Director) to see if I can rebuild. Then he will tell me if

I can, how big it can be and how high I can build it. If someone in Pulaski County (Little Rock) objects, I then have to go to court, which will cost me more money. Does this sound like America?

Another part of the draft; I have 30 acres and if I want to sell 10 acres, the person that buys it can only use 3 acres of the 10. The other 7 acres must be left for timber or grass and cannot be mowed or no garden can be planted on it. This would decrease the value of my land when the possible buyer finds out that he can only use one-third of the land. Mr. McClendon said the other day that we could cut our yard but we could only bush hog twice a year. If any of you have ever lived in the country, you know high grass and weeds brings bugs, snakes and other animals. On top of that, unkempt land looks trashy and the value decreases for that very reason. We couldn't get our tractors through our field if we were only allowed to clean them up twice a year. This also causes a fire hazard around our homes and timber. I read just last week in the Democrat Gazette where they are having trouble getting people to clean up their yards and lots in Little Rock. I don't want this to happen here in the watershed.

Another example, some misguided citizens' for clean water in 1995 at a Pulaski County Board meeting said we need to do like California does. Well California uses their watershed for a rangeland to feed cows. This was just in the paper last year.

I'M NOT GOING TO LIVE THIS WAY, NOT IN AMERICA!

I suggest that Central Arkansas Water take the \$2.5 million dollars they are paying Tetra-Tec and the money they are getting from their customers to buy the land as it comes up for sale and leave the rest of us alone.

Let me tell you just a little of how Pulaski County government has treated the people in the Highway 10 watershed area. We ask for assistance to get water about 16 years ago and Judge Buddy Villines said, "No, we do not want any development going that way". However, they didn't stop the big golf course (Alotian) from being built. Many people in our area didn't have any water at all. We now receive our water from Perryville. Thank you Perryville! We only want the same consideration that the golf course and others get. Just because we don't have a lot of money we shouldn't be treated any different. This is American, isn't it? We are Pulaski County and every call we make is a long distance call. We do not have cable TV or High Speed DSL internet.

Pulaski County has ignored us and now they want to come out here and take our Land Rights Away From Us!!!!

I pray each of you **think, study and PRAY** before you make a decision on this draft which is going to affect so many people.

PLEASE STOP ZONING NOW!!!

Fred Sr. & Judy White
Bigelow, AR

28.

From: Lorie White

Sent: Wednesday, September 14, 2011 5:24 PM

To: Van McClendon

Subject: Comments regarding Proposed Zoning in Lake Maumelle Watershed

Hello, my name is Lorie White and my family lives on Bringle Creek Rd off Highway 10 West.

I have read all 55 pages of this proposed zoning documentation and I find so many rights that are going to be taken from us if this goes into effect. However, the main point is this is NOT about Clean Water or Conservation as you are trying to make everyone believe. This is nothing more than an old fashioned

land grab and is being done by elected officials. Central Arkansas Water has over 400,000 customers, yet they are not regulated by anyone and answer to no one. This entire zoning proposal goes against Article 2 Section 22 of the State Constitution that says "The right of property is **before** and **higher** than any constitutional sanction; and private property shall **NOT** be taken, appropriated or damaged for public use, without just compensation therefore." As you all know we are not being compensated for the rights that are going to be taken from us. The bottom line is, the regulations don't need to be simplified, rewritten, adjusted or anything else. They need to be **TRASHED and completely done away with**. There is no **LEGITIMATE** reason for this zoning. There are already ordinances in place to protect Lake Maumelle water for over 100 years as well as the fact that Central Arkansas Water already has a quarter mile buffer around the lake. The requirement by the Arkansas Department of Health is only 300 FEET which is well under the quarter mile they already have. Also, we are the only group of people in Pulaski County that these restrictions will be placed on. I see this as discrimination. If this was county wide, it would never pass because of the uproar of people it would bring.

I recently read a letter submitted to the planning board and quorum court members from the Audubon Society of Central Arkansas which praises the proposed zoning. According to the letter they have 650 members in all districts of Pulaski County, but I wonder how many members they have in the Lake Maumelle Watershed area. If they have any from that area, I know they are not praising these proposals. The letter sites the need for a height restriction of 36' and states that it helps protect against runoff and the view if a land owner chooses to build on a ridgeline. They are misinformed as we have been told that we are. It doesn't matter how tall or short a building is, whatever rain hits the roof is going to run off the roof. That is physics. Also, the new codes PREVENT a landowner from building anything on a ridgeline so that is a lame excuse to put the code in. They also state in the letter that we need to let the science speak. I believe it has and it is being ignored. The USGS did their study from 2010 to this year and found that even if every land owner around Lake Maumelle who had not yet developed their land (over 10,000 acres) developed their land, it would not impact the quality or quantity of the water in Lake Maumelle. The USGS is an unbiased federally run institution and I believe their report should be considered in this matter. However, it is not being considered at all. With respect to leaving areas undisturbed, they state that these green belts will be an asset not only for adjacent property owners but also for the lake by reducing runoff. It will also lower the property value because it will look like it is unattended property with tall grass, weeds, etc. I know that Little Rock has been cracking down on people who leave there yards unattended because it makes the place look trashy, which in turn drives the property value down. As far as ensuring that Lake Maumelle provides clean, safe drinking water now and in the future, that is required by state law and will not change. The bottom line is that Central Arkansas Water wants more customers but does not want to build any more treatment plants in order to continue servicing those customers and instead wants to drive our land values down in order to take the land away from us. It all boils down to money and power. They have the money, they are using the power of our elected officials to get what they want which will eventually lead to more money and power for them.

I would ask that you, the planning board members, stop and think seriously before passing this proposed land use plan (zoning regulations) on to the Quorum Court. If you do so, you are setting us all up to lose what land we have taken care of and cherished all of our lives. You will be taking our lively hood away from us. You will also be opening yourselves up for the same thing to happen to you and your land one day. I ask you, how you would feel if you were in our shoes. You say that our land is not being taken away from us but it is. When you take our rights as property owners, it is the same as taking our land. Yes, we still own the land on paper and we still pay taxes on it to the county and state, BUT we do not

have any say on what we can use our land for or what we can do with it. Those rights are being removed from us by you, OUR ELECTED OFFICIALS, and we are being given NOTHING in return. All we want as land owners in the Lake Maumelle Watershed is to be given the same treatment as everyone else in Pulaski County and be allowed to live as we have been. We have not harmed the water supply for Little Rock and do not intend to do so. We are very good stewards of our land and will continue to be. We already get treated like step-children in the fact that we do not have DSL service or cable service because of where we live. We had to get water from Perryville because Central Arkansas Water refused to bring water to us when we begged for it 16 years ago. Now, there is a 16" pipe being laid all the way to the Wye Mountain Water district to service them. However, my question is why such a big pipe if it isn't intended to provide water for a LOT of people. I was privileged enough to go to Russia and China on mission trips with my church. The part of China I went to was still a communist community. It is very reminiscent of what is being done today with regards to the Proposed Zoning Regulations. If you look at Section 5.2, we are even being told what type of occupation we can have if we chose to work from our homes. The last time I checked, I still lived in America and the rights of the people were what come first. Again, I go back to the Arkansas State Constitution, Article 2, Section 22. This entire proposed plan is against the State Constitution and if you don't see that, I'm not sure you should be holding a public office.

Bottom line is if you choose to ignore what the land owners are saying and you go ahead with this unconstitutional act, I see no other recourse but to seek Legal Counsel and organize the landowners who agree to file legal action against not only Central Arkansas Water but also everyone who is pushing this proposal. I don't want it to get to that point but I personally will do whatever it takes to protect my land and my rights as the property owner and I'm sure there are several hundred other property owners who will be just as willing and determined as I am.

Lorie White
Bigelow, AR

29.

From: Dan Scheiman
Sent: Thursday, September 15, 2011 7:07 AM
To: Van McClendon
Subject: Adopt a Land Use Plan for Lake Maumelle

Director McClendon,

I highly encourage you to support a Land Use Plan for the Pulaski County portion of Lake Maumelle. Such a Plan can prohibited development of land uses such as (1) power plants, (2) medical waste facilities, (3) large confined animal operations, (4) hazardous waste, (5) solid waste landfills and (6) junkyards around Lake Maumelle. It is incredibly obvious to all that such things are anathema to protecting the high quality drinking water we currently enjoy. But it is also obvious that without such a regulation on the books that some day someone will try to build such a facility and then we'll have a costly fight on our hands between that developer and the citizens who drink the water. Let's save everybody the time

and trouble and enact a sensible Land Use Plan now. Thank you.

Dan Scheiman
Little Rock

30.

From: Nell Matthews

Sent: Thursday, September 15, 2011 7:20 AM

To: Van McClendon

Subject: Land Use Plan comment

After years of study, meetings, discussions, reading, writing, meeting with experts, elected officials, and then more meetings, the League of Women Voters of Pulaski County is pleased to endorse the Land Use Plan for future development in the Maumelle watershed around Lake Maumelle in western Pulaski County.

The plan has been designed to protect the approximately 400,000 citizens who depend on the Lake Maumelle water reservoir and the existing landowners who live in Pulaski County around the watershed. As people move west seeking the beautiful, rural life style in Pulaski County, what shall govern the way that houses, roads, and businesses develop? The Land Use Plan describes in clear language the set asides for open space, building requirements, and subdivision formation, all without destroying the quality of our drinking water and without destroying the way of life of the community around the lake.

The Land Use Plan will be approved in some form by the Quorum Court, I believe. It is my hope that the Plan will include provisions to protect the environment by establishing adequate buffers between developed land and the many streams that channel water into Lake Maumelle in this watershed. The balance that has been created by Nature had proven to provide the best quality water I have even been privileged to drink.

For the sake of the current residents and to protect future residents and their property and their investments, I also support height restrictions. Those restrictions can both ensure that views are protected and help to maintain the pleasant, rural nature of the area.

The amount of time, study, discussion, and review that has gone into the writing of this Plan has produced a document that can guide the development and continued use of the watershed.

Sincerely,
Nell Matthews, President
League of Women Voters of Pulaski County

31.

From: Jackie Kaufman

Sent: Thursday, September 15, 2011 8:55 AM

To: Van McClendon

Subject: Lake Maumelle Watershed Area

Dear Planning Commission:

What we are seeing here is an attempted takeover of property with no good evidence to support any of the environmental concerns. During a time when we are seeing more big government and no real benefit to the people, I ask that you take these proposals off the table.

What private interest is behind Central Arkansas Water, pushing for this deal?

I am opposed to any rezoning in the Lake Maumelle Watershed Area.

Sincerely,

Jacqueline Wagner
Little Rock, AR

32.

From: Judy Zini

Sent: Thursday, September 15, 2011 9:46 AM

To: Van McClendon

Subject: Proposed regulations as proposed by Central Arkansas Water

I write as a landowner in the Lake Maumelle Watershed to ask your support to vote against the proposed Central Arkansas Water regulations before the Quorum Court.

I am greatly distressed about the impact this will have on my property and my rights as a landowner. I own property in Little Rock as well as in the Lake Maumelle Watershed. My brother and his family live on this property that my parents bought and on which I was raised.

It is my opinion that this set of regulations will remove rights that I and other property owners have. They are more restrictive than I, as a landowner in the City of Little Rock, am subject to. This is unfair and unnecessary as current restrictions have demonstrated good protection of the water supply through the watershed. What is proposed will only adversely affect the individual property owners' rights and, in effect, devalue our land and homes and require procedures not expected of all others in the county. For example:

- a. require us to obtain permits to surface mine for minerals
- b. allow no drilling of any kind
- c. allow no new external building, i.e. for business, (allowing it only if in one's home)
- d. require a landowner to obtain permission of the Planning Commission to build a replacement of a home lost to fire or acts of nature (i.e. tornado or storm) where any other person could rebuild without obtaining permission
- e. restrict selling all or part of one's land and/or requiring restrictions of how it can be used, i.e. if you want to sell part of your land, 70% of it must be kept in timber or grass and not mowed or fertilized or improved
- f. land sold outside of the family will not be grandfathered under the proposed land use rules and will be restricted, again affecting our rights

This listing is only a small part of how this unnecessary proposed regulation will affect my property. Please vote NO to this Central Arkansas Water Proposal. As our representative, please respond to your constituency by voting NO! I ask you to ponder IF these proposals are constitutional. Would you want them levied against you or others not in the Watershed?

Please remember that current regulations have protected the water supply and this has been proven by the Central Arkansas Waters' own testing.

Please vote NO and defeat this proposal.

Would you please advise me of how you intend to vote and why. I look forward to hearing from you.
James E. Zini, D.O., F.A.C.O.F.P.

33.

From: Moerman, Andrea M

Sent: Thursday, September 15, 2011 11:12 AM

To: Van McClendon

Cc: Herzog, Christian

Subject: We need a Land Use Plan for the Lake Maumelle watershed.

Dear Mr. McClendon,

As a beneficiary of clean water from Lake Maumelle, I am very concerned about future development in the Lake Maumelle Watershed, and support the adoption of a Land Use Plan that ensures high water quality in the lake. I understand that we need to balance the needs of people who want to utilize the land and people who want to drink the water. However it makes a lot of sense to me that preventing contaminants from entering the lake in the first place simplifies the water treatment process, reduces costs, and assures us better quality water in the end. I occasionally eat things that are not good for me, that are reported to have some ability to cause cancer or clog my arteries, but I try to limit that exposure as much as my willpower will permit. In contrast, I drink water from Lake Maumelle every single day. I am exposed to whatever escapes the water treatment process every single day. I don't want to feel that I have to limit my exposure to water from our lake.

Thank you very much for your time and consideration.

Andrea Moerman-Herzog
Little Rock, AR

34.

From: Bill Rudkin

Sent: Wednesday, September 14, 2011 6:09 PM

To: Van McClendon

Subject: Proposed Regulations

Dear Van,

It is my opinion that this study has gone entirely too far. I would like to see the Planning Commission and the Quorum Court strike it down.

Property rights have always been very important to Arkansans. This appears to be all about removing my rights and very little about water quality.

Please reconsider.

35.

From: Marie Crawford

Sent: Thursday, September 15, 2011 12:03 PM

To: Van McClendon

Subject: Land-use Plan for Lake Maumelle Watershed

Pulaski County Quorum Court, Pulaski County Planning Board, and Pulaski County Planning and Development Staff:

A formal land-use plan is essential to protecting Lake Maumelle and the quality of drinking water for the homes, businesses, and industries that depend on the reservoir. The quality of our drinking water affects public health, economic development, and community growth. More than 400,000 people depend on the

reservoir as their primary source of drinking water. I urge you to adopt effective land-use regulations and strategies to ensure that the lake will continue to be a quality source of drinking water. I remind you of a statement that a local public official made several years ago; it is a statement that rings eternally true: The masses depend on certain people in their community - elected and appointed officials - to protect what is vital to their quality of life and well-being. They take for granted that the people elected and appointed to serve and represent them will protect their health and their drinking water above all. Please, protect our drinking water. Adopt proven and effective regulations; any other alternative would be unsafe and too costly.

Marie A. Crawford
Attorney-at-Law

36.

From: kathy
Sent: Thursday, September 15, 2011 12:27 PM
To: Van McClendon
Cc: Kate Althof; Patty Barker
Subject: Land Use Plan

Dear Mr. McClendon: I am writing to encourage you to support a Land Use Plan for Lake Maumelle. We need a Plan that includes common sense protections, many of which are in the current draft version, such as no solid waste landfills, no power plants, no hazardous waste landfills, no large confined animal operations, etc. Adopting this plan should be important to all who drink the water from Lake Maumelle, and will avoid future higher costs for water treatment.

Thank you for your consideration and action.

Kathy Webb,
State Representative,
District 37
501-258-1949

37.

From: Lorie White
Sent: Thursday, September 15, 2011 12:30 PM
To: Van McClendon
Subject: Comments regarding Lake Maumelle Watershed Zoning
September 15, 2011

Mr. Van McClendon, Director

& Board Members

Pulaski County Planning & Development

3200 Brown Street

Little Rock, AR 72204

Re: Land Use Plan for the Lake Maumelle Watershed

Mr. McClendon & Board Members,

The County and Central Arkansas Water claim that these land use controls are necessary because residential development is a threat to the water supply. As I see it, the proposed land use controls are nothing more than a property grab, based on an attempt to manipulate the science and dupe the public. My example for this is the recent letter sent to you by the Audubon Society of Central Arkansas. I would like to cover some of the points that were outlined in that letter in favor of this land use plan.

1. According to the Audubon Society President, certain land uses are incompatible in the watershed of a public drinking water supply. One that she failed to mention was the marina that is located on Lake Maumelle. Are you aware that one quart of oil pollutes 250,000 gallons of water that would have to be cleaned? I don't know if you do much boating but I can guarantee that there is at least that much oil in the water every time a boat is launched or driven across the lake. The elimination of certain uses that are not compatible with a public drinking water supply has never been questioned as an appropriate regulatory measure. The list of uses, however, should be carefully scrutinized to make sure it is LIMITED to uses that could impact water quality, and the prohibition (or restriction) of such uses must be one that is related to water quality protection. An outright ban of certain economic uses (such as mineral extraction) that can be accommodated with appropriate regulatory controls is not a proper exercise of governmental intrusion. It is a taking of private property without compensation.
2. Ms. Gulley referenced the stream buffers and how we need to rely on science to determine how wide stream buffers need to be to adequately protect the stream corridors. The approach suggested by this comment can, and should, be addressed in the SET, where a site specific, SCIENCE based approach to stream buffers can be accommodated.
3. With regard to the 36' height restriction and how it would protect the view of a property owner from being blocked. This comment proposes an unwarranted governmental intrusion of the worst kind. No water quality benefits are achieved through "viewshed" regulations such as building height restrictions. Property owners will accommodate reasonable restrictions that are necessary for water quality protection, but will oppose governmental intrusion of property rights unrelated to water quality. The county has conceded that the building height restriction is unrelated to water quality and has agreed to remove "viewshed" restrictions from the proposed regulation.
4. With regard to setting aside a percentage of undisturbed land as part of the development project. The SET uses science to determine, on a site specific basis, what percentage of open space is required for a development. A mandatory percentage of open space in addition to what the SET would require represents unwarranted governmental intrusion that is not based on science, and is a taking of private property without compensation.

The County has told the landowners repeatedly that the existing subdivision ordinance provides water quality protection for large developments and that small landowners, such as myself, will not be impacted by the proposed zoning regulations. If the SET is sufficient, and I think that it is, we don't need any more regulations. I urge you to consider where you are going with this and what the actual consequences are going to be before you make any rash decision based on political or monetary influence.

Sincerely,

Mark S. White
Bigelow, AR

38.

From: Mark A. Robertson
Sent: Thursday, September 15, 2011 1:10 PM
To: Van McClendon
Subject: Land use plan

I am notifying you that I fully support a comprehensive and forward thinking land use plan for the lake maumelle watershed. I firmly believe the most important resource that must be prtected needs to be our water supply. There is no room fir street when it vines to protecting our water. If a potential use has any potential risk to protecting our water supply we must choose the option that ensures a safe and clean source of drinking water. The 400000 individuals who depend on this water supply (including my family and myself) are depending on our needs taking priority over any business interests that might jeopardize our water.

Thanks

Mark

Sent from my iPhone
Mark A Robertson, ASLA,
LEED AP BD&C
MESA Landscape Architects

39.

From: karen
Sent: Thursday, September 15, 2011 1:14 PM
To: Van McClendon
Subject: Land Use Plan for Lake Maumelle watershed

Dear Mr. McClendon:

It is very important to protect the high quality water supply at Lake Maumelle. I am not against development per se, but I feel very strongly that any action that could impact the water supply to

400,000 people should be strictly limited, including but not limited to high density development, sewage treatment or septic systems, road pollution (oils, etc), and yard runoff of fertilizers, pesticides and herbicides, cutting of cover trees and foliage that slow erosion and prevent subsequent dirt and debris entering the lake. Please undertake this effort for the protection of this increasingly threatened resource and to ensure a high quality of life in the Central Arkansas water district.

Karen Walls

Broadmoor Property Owner's Assoc

Sent via BlackBerry by AT&T

40.

From: Jo Paulus

Sent: Thursday, September 15, 2011 1:50 PM

To: Van McClendon

Subject: drinking water

Van, I understand you are the person to talk to about protecting the Lake Maumelle watershed? I want to let you know that I support any land use plan that will ultimately protect the water we use, from being polluted or spoiled in any way, but it seems that to limit development near the water would be the logical first step. I will tell you that I received your email address from my buddy Barry Haas, but I do agree with him that we ordinary citizens need to let our wishes be known, because other commercial interests and lobbyists will certainly promote theirs. Thanks for your time.

Jo Paulus

41.

From: Becky Williams

Sent: Thursday, September 15, 2011 2:32 PM

To: Van McClendon

Subject: Concern about a land use plan for Lake Maumelle

Dear Mr. McClenden,

I am writing to express my strong support for a land use plan for the Pulaski County side of Lake Maumelle. I have lived in Little Rock since 1977 and have felt privileged to have clean, great tasting water. And I salute the planners who built Lake Maumelle back in the 1950's for this purpose. I am very concerned as I read in the news about plans for development in the watershed. I hate the idea that more chemicals may be needed to clean the water and that pollution into the water could put us at risk.

Please add my comments in support of a good comprehensive land use plan.

Sincerely,

Becky Williams

42.

From: Jack Myers

Sent: Thursday, September 15, 2011 3:20 PM

To: Van McClendon

Subject: Lake maumelle land use plan

Mr. McClendon.

My wife and I are in favor of a strong Land Use Plan that will keep Lake Maumelle clean and pure.

We lived in the Seattle area prior to moving here. Lake Sammanish became polluted from abuse of its watershed by the land developers. As a result, there was a huge tax increase to pay for cleanup and sewers. The land developers didn't pay for the corrective action but we homeowners certainly did. We have a limited opportunity to prevent a similar disaster and the expensive corrections that will then be required.

There are many places that have potable water but still have a terrible taste even after extensive purification. I just returned from New Jersey and I couldn't drink the tap water. What a great blessing we have in our drinking water: clean, tastes great. Lets not ruin it.

We currently have quality drinking water and our own "Central Park" with Lake Maumelle. It is a prime reason to live in Central Arkansas. Like our University, it is another reason that will attract quality companies to the Little Rock area.

Please add our names to the list of persons that want to see the Lake Maumelle watershed continue as the source of the best drinking water in the country and worldwide. It is something to envy; not destroy.

Thank you,

Jack & June Myers
Little Rock, AR

43.

From: Sykes Tracy

Sent: Thursday, September 15, 2011 3:43 PM

To: Van McClendon

Subject: Maumelle Land Use Plan

Dear Sir –

I would like to encourage the county's support of a land use plan for the Lake Maumelle watershed. I have been enjoying the area for the past 50 years and hope to continue to do so. I tell my fellow sailors, friends, and co-workers that the lake is a hidden gem. We are truly lucky to have such a wonderful facility. My drive to the lake has drastically changed over the years as the city has grown west. While I appreciate the excellent property development skills of Deltic Timber, I do not want the future of my water supply and recreational area to be in the hands of a corporation. A corporation doesn't represent the citizens. That is not their purpose. They must represent the best interests of their owners. We have governmental institutions for the purpose of representing the people (something that seems to be forgotten lately) as a whole and not just special interests. Be they land developers, land owners, or corporate investors, or construction related businesses. Help us develop a plan with all in mind. Thank you for your time.

TRACY SYKES, PMP

Project Manager

Axiom Corporation TEL 501.342.1073

MBL 501.765.8115

601 E.3rd St, 7th Floor, Little Rock, AR, 72201, USA

44.

From: Julie

Sent: Thursday, September 15, 2011 5:25 PM

To: Van McClendon

Subject: Lake Maumelle Watershed zoning

My husband and I are in our mid-fifties.

We are a family of 5. Four adults and one child who started his first year at Robinson Elementary. (K-5)

My husband is the sole provider of the family. I have MS.

We operate a small business from our home. He is a Contractor.

We do not want to start over, why should we be forced to?

We put our retirement into our home by adding on 3000 sq feet, we planned to sell it and use the money for our retirement.

You plan on taking our property rights.

Do you want to pay the true value of our home and land, or the diminished value after you take away our property rights and put your provisions on our land.. the key word here is OUR land?

Last time I checked, I lived in America, Land of the Free...no wait... I live in Lake Maumelle Watershed, where "property rights are taken without compensation"!

I am a Daughter of the American Revolution. My Great-Great Grandfather and Great Grandfather (father and son) fought in the civil war. They fought for human rights, NOT for the right to take away human rights. Yet... it is happening, if the vote is Yes.

Why does CAW want our Land?\$\$\$\$

Does the Golf Course need a Motel or Strip Mall, hmmm Maybe restaurant and gas station?

Don't say no. We are no stupid. We remember when the land east of us was purchased for the WATERSHED. Few years later...a very Elite Golf Course was built. All of their chemicals and fertilizers and running into the Lake as you read this email...

Oh wait a minute its ok, because Stephens donated 11000 acres...right

We don't have 11000 acres to donate..we only have our 15 acres to live and grow old on.. Someday to sell and retire.. maybe give our children a few of the acres for them to sell or live on. That was our dream...WAS our dream. So you tell me...how many people will you bankrupt if you vote yes? How many dreams will be destroyed if you vote yes?

If the Zoning is passed will you explain to my children and grandchildren why you stole their legacy. Will you be able to look us in the eyes and tell us that all of our hard work has been for nothing!

Sincerely,

Julie A. Fogler

45.

From: Chuck Nestrud

Sent: Thursday, September 15, 2011 5:44 PM

To: Van McClendon

Cc: Tim Daters; 'Ray Dillon'

Subject: Comments on Draft Land Use Plan and Proposed Zoning Regulations

On behalf of Deltic Timber Corporation I have previously submitted comments on the proposed land use plan, and Deltic's representatives have had individual stakeholder meetings to discuss Deltic's position regarding the land use plan and the proposed zoning regulations for the Lake Maumelle watershed.

Deltic has yet to receive any written response to our prior comments. During public meetings representations have been made that certain changes will be made to the land use plan and to the draft

regulations, but to date no changes have been made. The documents on the county's web site have not been changed to reflect those representations.

At this time the status of the proposed land use plan and proposed zoning regulation is too uncertain to provide additional substantive comment. When the documents have been redrafted to reflect the county's current position we will review and provide additional comments.

Charles R. Nestrud
Chisenhall, Nestrud & Julian, P.A.
400 W. Capitol, Suite 2840
Little Rock, AR 72201
Phone: 501-372-5800
Fax: 501-372-4941

46.

From: Eric Sundell
Sent: Thursday, September 15, 2011 9:07 PM
To: Van McClendon
Subject: Lake Maumelle watershed land use plan
Mr. McClendon,

We write to urge you as director of Pulaski County Planning and Development to vigorously support the need for a land use plan for the Lake Maumelle watershed. Scientific study and common sense tell us that it is easier to have clean water by preservation or at least carefully planned use of Little Rock's watershed than by taking expensive and potentially dangerous measures to purify the water after it is fouled and polluted. Please help us with this: demand a land use plan for the Lake Maumelle watershed. Thank you for your attention to this vital matter.

Eric and Milanne Sundell
Little Rock, AR

47.

From: Kitty Chism
Sent: Thursday, September 15, 2011 9:22 PM
To: Van McClendon
Subject: Please please protect our water!

Gentlemen:

Please consider this to be a comment as loud as possible from one Pulaski County resident who thinks nothing is more important than the priority of protecting what we put into our bodies over the interests of large lumber and land developers whose primary interest is making money even if the health of residents in this county is put at risk.

Please make law a land-use plan that will protect us and the water we drink against profit-centered land interests. And then, please strictly enforce that land-use plan.

We cannot survive without clean water. Developers and lumbermen can certainly live without all the profit they had hoped to make on their

land investments around the lake from which we get our water.

Thank you for caring.

Kitty Chism
501-804-4870

48.

From: [Alene Penner](#)

Sent: Tuesday, September 13, 2011 7:20 PM

To: doug-reed

Subject: Land Use Regulations for Lake Maumelle Watershed

I am a landowner in the Lake Maumelle Watershed in Pulaski County. We have owned this land and live here for 25 years. There has always been regulations in place to protect the water in Lake Maumelle that has worked for all these years. We do not believe that this Land Use Plan is for improving the water quality in Lake Maumelle. We sincerely hope that you are against this proposal as the landowners are. We would like to hear from you on your views about this proposal.

There is already a Comprehensive Subdivision Ordinance that protects the water quality. There has been millions already paid to test our drinking water and the tests have showed that we have some of the cleanest water tested.

If this was about the quality of the drinking water, why is it that ONLY Pulaski is trying to pass these regulations. Pulaski County cannot control what the other counties do that are in the watershed area, but are not in Pulaski.

Please let us hear from you on your thoughts and how you feel you will be voting on these issues.

Sincerely,

Doris Penner

49.

From: Ed Laster
Sent: Friday, September 16, 2011 8:34 AM
To: Van McClendon
Subject: Land Use Plan for L. Maumelle
Mr. McClendon,

I request that you support a Land Use Plan for Lake Maumelle.

With all the new and proposed development around the lake, we need to have protection in place, not try to clean up the water afterward.

Ed Laster
Little Rock, AR

50.

Ann Link
17 Butterfly Cove
Little Rock, AR 72210

September 7, 2011

Van McClendon
Director of Planning
3200 Brown St.
Little Rock, AR 72204

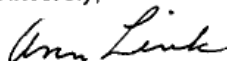
Dear Mr. McClendon:

It has come to my attention that several interest groups have begun actively opposing the implementation of a land use plan to protect the Maumelle Watershed. I support the land use plan, and am troubled by the antipathy of these groups and the misinformation they appear to be spreading about it.

Four hundred thousand people living in central Arkansas depend on the Maumelle Watershed for potable water. Uncontrolled mining, landfills, and huge agribusiness operations can only pose a tremendous risk to this vital resource. Some landowners have been persuaded to believe that a land use plan will damage their property values; but in point of fact, when drinking water resources in other parts of the country have been protected, watershed landowners saw these values increase.

The world is not so large as it was when we used to peek at the half-clothed natives in the pages of *National Geographic* and marvel at the distance and strangeness we saw there. Sadly, the next great battles the shrinking planet sees will be those for water and food. Let's protect and preserve our own precious water supply while we still have it.

Sincerely,



Ann Link

51.



GEORGE T. SCHROEDER, M.D.
OPHTHALMIC MEDICINE AND SURGERY

GEORGE T. SCHROEDER, M.D., P.A.
9800 LILE DRIVE, SUITE 301
LITTLE ROCK, ARKANSAS 72205
TELEPHONE: (501) 225-4488
FAX: (501) 225-9299

Mr. Val McClendon, CFM
Director, Planning and Development
Pulaski County Planning Board
3200 Brown Street
Little Rock, AR 72204

September 9, 2011

Re: Public Comment on Proposed
Lake Maumelle Watershed
Land Use Plan and Regulations

Dear Mr. McClendon:

As a property owner and resident in the Lake Maumelle Watershed, this letter is to express my grave objections to the proposed land use plan. Having studied almost all of the written materials concerning proposed controls on the use of land in the watershed, from the study submitted by the Tetra-Tech organization through the most recent available (June 2011) Land Use Plan itself, it is my considered opinion that the current plan under consideration by your board and potentially by the Quorum Court is only peripherally related to water quality for Lake Maumelle and the water users whom it supplies, and primarily is an attempt to control by zoning what the land owners in the watershed may do with their land.

Surely there are relatively lenient exemptions granted to the current landowners and residents but as I do not anticipate living forever, the restrictions placed on subsequent owners of my land when it is sold, and particularly if an owner should have the temerity to divide it and sell it to more than one new owner, clearly would impact significantly and negatively on the value of that land.

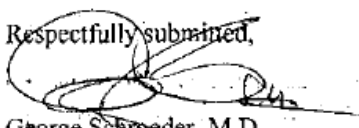
The subdivision regulations currently in place afford more than sufficient control of future development of the land in the watershed to ensure continuation of the pristine quality of the water in Lake Maumelle. The additional zoning regulations proposed are NOT NECESSARY for water quality, now or in future decades, but would place an undue financial burden on future landowners in the watershed.

Basically, over and above the SET regulations, which are more than sufficient to control land runoff, the requirements to set aside from 40% to 60% of one's land in a permanent conservation easement constitute a de facto taking or confiscation of my land of that of my fellow landowners without just and fair compensation. Property rights are a first and highest constitutional right guaranteed to American citizens, and just compensation for taking of private real property is right, fair, and mandated by both the federal and state constitutions.

My request to the Planning Board is to ascertain what the value of the land which would potentially be restricted from its highest use would be. Of the some 40,000 acres in the watershed in Pulaski County, approximately 20,000 acres are susceptible to being effectively taken from the landowners. At only \$2,000 per acre this would amount to \$40,000,000. I think \$2,000 is a very low average price for this land: two or three times that figure is probably fairer. It is noteworthy that CAW last year paid in the vicinity of \$10,000 an acre for the land which comprised the former Winrock Grass Farm.

Is it fair for the landowners in the watershed, for whom CAW has not even offered to supply water, bear this level of cost, purportedly to preserve water quality, but in effect enforcing a "No Growth" philosophy preferred by some in our society? This is the same mindset which had, with classic over-reach, written a requirement into the proposed regulations that would prohibit building of homes on a ridgeline, clearly almost always the premiere building site on any piece of property.

Respectfully submitted,


George Schroeder, M.D.

52.

From: Jim Lynch

Sent: Friday, September 16, 2011 10:40 AM

To: Van McClendon

Subject: Maumelle Watershed Land Use Plan

September 16, 2011

Mr. Van McClendon
Pulaski County Dept. of Planning and Development
Little Rock, AR

Dear Mr. McClendon:

I write to strongly endorse the adoption of land use plan protections for the Lake Maumelle area. The source of drinking water for 400,000 citizens must be protected from the obvious ill effects of unplanned and unbridled development decisions. Local governments, in this instance Pulaski County government, is the only authority standing in the breach to prevent the location of polluting uses such as power plants, large animal feed lots, hazardous and medical waste facilities, landfills and junkyards.

The above enumerated uses are only the most egregious dangers that a protective land use plan ought to prohibit to protect Lake Maumelle. There are many other provisions, substantive and procedural, that you and others in the planning and development profession know full well must be adopted to keep the drinking water of Pulaski County families clean and affordable.

Would you please pursue every avenue available to adopt a protective land use plan for Lake Maumelle?

Thank you.

Best Regards,

Jim Lynch

53.

From: Leland Sykes

Sent: Friday, September 16, 2011 11:10 AM

To: Van McClendon

Subject: Lake Maumelle

Mr. McClendon:

Please consider a Land Use Plan for the protection of Lake Maumelle that will keep our drinking water pure AND our recreation area pristine. As Grounds Chairman of GMSC I put many hours of work into assuring that our members maintain ultimate respect for our resource. I would hate to see our efforts compromised by any corporate mandate allowing pollution as a by-product. We don't want to be Lake Hamilton!

Thank you for your consideration.

Best regards,

Leland Sykes

54.

From: David Luneau

Sent: Friday, September 16, 2011 12:01 PM

To: Van McClendon

Subject: Lake Maumelle land use plan

Van,

I hope that Pulaski County will develop an excellent land use plan for the area around Lake Maumelle.

Our state and country have made significant strides in protecting our environment in the past few decades, but constant vigilance and improvements are needed. Drinking water is too important to be left to chance or to the hope that individuals and corporations will do the right things. Environmental regulations work, and they protect all of us in the long run.

Thank you for listening.

M. David Luneau, Jr. P.E.

55.

From: Barry Haas

Sent: Friday, September 16, 2011 12:28 PM

To: Van McClendon

Subject: Urge Pulaski County to Adopt a Strong Land Use Plan

Van McClendon, Director
Pulaski Co. Planning & Development
Little Rock, AR

Dear Van,

I urge Pulaski County to adopt a strong Land Use Plan to add protections for the Lake Maumelle watershed. We know the Land Use Plan will offer additional protections not included in Chapter 8 of the Pulaski Co. subdivision regulations or the Site Evaluation Tool or the state imposed ban on the direct discharge of wastewater into the lake. Those additional protections would:

- 1) protect our future drinking water quality
- 2) include a list of prohibited uses that everyone should acknowledge have no business being in the watershed of a public drinking water supply for 400,000 people
- 3) preserve the current mostly rural lifestyle enjoyed by the residents of the Lake Maumelle watershed by preventing overdevelopment in this sensitive area
- 4) support future economic development in central Arkansas which depends on a supply of high quality, affordable drinking water

Residents in the Lake Maumelle watershed have done a good job in the past of protecting this vital resource, but with increased development pressures we must make sure the Lake Maumelle watershed is adequately protected in the future so our children and their children will have the benefit of this incredible resource.

I urge Pulaski County to adopt the strongest Land Use Plan possible so we can proudly hold our heads high and say we did the right thing and protected our drinking water when we had the chance to do so. Why would we do anything less if we care about our community?

Sincerely,
Barry Haas

56.

From: Gerald Stoper

Sent: Friday, September 16, 2011 12:53 PM

To: Van McClendon

Subject: Lake Maumelle Watershed

Mr. Van McClendon, Director Pulaski County Planning and Development
3200 Brown Street, Little Rock, AR 72204

I am writing to express my concerns about the Central Arkansas Water plan and Pulaski County's plans. I have ignored this proposal because I could not believe that in America the local government would not only allow but support the taking of private land or the control of that private land for trumped up reasons.

Who makes zoning decisions, the county planning and development department or the water department?

The CAW plan suggests this will protect the water, but nowhere in that plan is this demonstrated.

The water quality is very good based on the USGS study. I understand the county's proposed zoning, but why does

all the open space and conservation land come from private citizens?. I feel that the people that live in the Watershed area have done no harm to the watershed are being treated as second class citizens.

If someone like the late Jennings Osborn lived in our area, maybe the zoning plan would be different.

Gerald Stoper

57.

From: casandra mcdonald

Sent: Friday, September 16, 2011 2:02 PM

To: Van McClendon

Subject: Land Use Plan

September 15, 2011

Mr. Van McClendon, Director
Pulaski County Planning & Development
3200 Brown Street
Little Rock, Arkansas 72204

Re: Land Use Plan for the Lake Maumelle Watershed

Dear Mr. McClendon,

My name is Casandra McDonald and my husband George McDonald own property in the watershed and we do NOT favor Pulaski County adopting the new Land Use Plan for the Maumelle watershed. This Plan is NOT about Clean Water or Conservation, it would be about going against our constitutional rights as private property owners as stated in Article 2 Section 22 of the State Constitution that says "The right of property is before and higher than any constitutional sanction, and private property shall NOT be taken,

appropriated or damaged for public use, without just compensation therefore." We will not be compensated for the rights that will be taken away from us which is Unconstitutional. This Plan should be trashed and done away with. The ordinances in place now is all that is needed to protect the watershed and water quality as was reported by the USGS in their study from 2010 to this year. The USGS is an unbiased federally run institution and I believe their report should be considered first and foremost in this matter.

The property owners in the Lake Maumelle watershed have for many, many years taken good care of their property causing the excellent water quality we have today. There is nothing right about Pulaski County telling them when they can cut their grass, where they can build their home and who knows what other crazy thing they could be fined for.

If you were to buy a beautiful property but were told how, when and what you could do with it you probably would go elsewhere to purchase land where you can build, improve and enjoy your land. With these restrictions in the Plan property owners would have a large part of their property that would be useless to them but they would have the privilege of paying the taxes on it forever. This Plan would devalue land that these people have owned for years.

If this Plan were to pass it most likely would spread all across the State and affect thousands of people, maybe your family or your children's family, I am sure it will not end here if people do not stand up for their rights. I am sure you do not want to live in a County, City, State or Country where your rights as land owners can be taken away.

Please share this with members of the Pulaski County Planning Board and Quorum Court that thousands of land owners in Arkansas do NOT favor the Land Use Plan.

Casandra McDonald

58.

From: Robert Sikes

Sent: Friday, September 16, 2011 3:26 PM

To: Van McClendon;

Cc: Buddy Villines

Subject: Comments on Lake Maumelle Watershed Zoning Code

16 September 2011

Dear Members of the Pulaski County Planning and Development Board
and Pulaski County Quorum Court,

I have attended two of the public comment meetings on the proposed Lake Maumelle Zoning Code and provide the following comments. First, there is no question that the lake is a valuable public resource and that the watershed must be managed to maintain the lake's water quality. However, I am not convinced that the proposed Zoning Code is needed to provide such security. There are quite a number of inconsistencies between the recommendations from the two studies commissioned on watershed management and the proposed Zoning Code. It is my assessment that the draft code goes substantially beyond the actions recommended in the watershed management plans. While deviations from the recommendations of the commissioned reports might be necessary, no evidence has been provided to

justify deviations in this case. Based on these inconsistencies and lack of data clearly identifying threats that warrant the level of regulation imposed by the Zoning Code, I strongly urge the Pulaski County Planning and Development Board and the Pulaski County Quorum Court to reject the proposed Zoning Code in its entirety.

Specific comments regarding the proposed Zoning Code.

1. Both the watershed report from Tetra Tech, Inc. and the USGS state that the current quality of water and the existing condition of Lake Maumelle are very good (Tetra report ES-3). They further conclude that the present high quality is due primarily to the rural nature of the watershed. In fact, the Tetra Report states that "if land use in the watershed were to stay as it is today, Lake Maumelle *would likely maintain its very high quality without requiring any additional management*" (pg 1-2). However, the report next correctly notes that we live in an ever-changing environment and thus identifies potential threats to the water quality. **Of primary importance is the fact that the major threat identified, and reiterated many times throughout the document, is development associated with conversion of land from forest to housing and the waste runoff associated with these developments** (e.g., ES-4, ES-5 and elsewhere). To mitigate this threat, the Tetra Tech (hereafter TT) report recommends 5-acre and 10-acre lots at a minimum for new residential housing unless a cluster design is employed in residential development (ES-4).

Given that current land use patterns are maintaining very high quality water as noted above, the most reasonable approach to guard against adverse impacts is to address specifically the principal threat identified in the reports by these two entities (TT and the USGS), namely subdivision of land for residential housing. **As you are all aware, such regulation is already in place in the form of the Pulaski County Subdivision and Development code.** Compliance with this code is required for divisions less than 10 acres, the minimum size recommended by TT even on the steepest slopes. Thus, ***any division of land below the minimums recommended by TT is already subject to regulation by the Pulaski County Planning and Development department.***

2. If the two independent reports on threats to water quality identify conversion of forest to residential housing in lots below 10 acres, why then is the applicability of the proposed zoning code not similarly restricted? Its scope is clearly not restricted as the draft code states explicitly that it "...applies to the use or development of land located in that portion of the Lake Maumelle Watershed that is located in the unincorporated portions of Pulaski County" (Pg 6). In other words, it applies to all land regardless of parcel size or current land use. This scope of influence is well beyond what has been identified as a threat by TT, a report from supposed experts that was commissioned for guidance on this very matter. ***What is the justification for the scope of applicability of the Zoning Code exceeding the threat identified by the commissioned experts to such a degree?***

3. The TT report recommends exemptions to the watershed plan requirements for additions to existing houses, businesses, and institutions if the structures were existing prior to the effective date of the proposed ordinance. It further assumes that additions would be limited to 10,000 square feet of imperviousness (3-13). In other words, the report makes no recommendations to require these additions to conform to watershed protection actions that might subsequently be adopted. Indeed they recommend an *exemption*. This recommendation from the commissioned experts is far less restrictive than the proposed Zoning Code, where non-conforming modifications are not allowed or are limited to 500 square feet (pages 39-40). ***What is the justification for the much more limited exemptions than recommended by the commissioned experts?***

4. The TT report recommends exemptions for small subdivisions by longstanding landowners wishing to hand parcels down to family members or to be sold or developed without having to comply with the watershed protection requirements other than wastewater requirements (pg 3-14), yet these exemptions

are specifically not allowed in the proposed zoning code. ***What is the justification for not allowing the exemptions for longstanding landowners recommended by the commissioned experts?***

5. Nowhere in the TT report does one find discussion of building height and its potential adverse effect on water quality. Building height restrictions are, nonetheless, a part of the proposed zoning code (page 18). ***What is the justification for the addition of building height restrictions when it has not been identified as a threat by the commissioned experts? What possible impact can building height have on water quality?***

6. The proposed zoning code specifies open space requirements and specifies that "Applicants shall provide the minimum amount of open space required by this Code or the SET Tool, *whichever is greater*" (emphasis mine). ***What is the justification for requiring the greater amount of open space than the SET tool?***

The foregoing are but a few of many instances where the proposed zoning code imposes restrictions not consistent with the recommendations of the experts (whose expertise was commissioned at a very substantial expense). What credentials or expertise do the authors or the proposers of the Zoning Code possess that might convince a reader that such deviations are warranted? Where are data supporting their recommendations?

Existing regulations in the form of subdivision, stormwater, and wastewater requirements appear to adequately address the principal threats identified by the two independent reports on Lake Maumelle water quality. I judge the proposed Pulaski County Lake Maumelle Zoning Code to be a solution in search of a problem. While a knight errant is an excellent topic for literature, it is a poor choice as the basis for regulation of public resources. I strongly urge the Pulaski County Planning and Development Board and the Pulaski County Quorum Court to reject the proposed Zoning Code in its entirety.

Respectfully,

Robert S. Sikes
Landowner and Resident
Bigelow, AR

59.

From: Kate Althoff

Sent: Friday, September 16, 2011 4:00 PM

To: Van McClendon

Subject: LUP draft June 24

September 15, 2011

Van McClendon, Director
Pulaski County Planning and Development
3200 Brown Street
Little Rock, AR 72204

Regarding: Land Use Regulation draft dated June 24, 2011

I deeply appreciate the time and resources that the county is devoting to the development of these regulations. While there are some regulations in place for the management of the Lake Maumelle

watershed they are only as good as a two legged chair without the enactment of a complete Land Use plan and associated regulation.

Clearly this draft as written can be very effective in achieving the stated goals

I ask that you do not remove or reduce the standards set within this draft especially any change that would reduce the required open space. Do not reduce the size of stream buffers. It has been widely accepted in the scientific community for a long time that these items have a direct relationship to water quality.

Only reconcile the errors. Let any reduction in the standards take place in the political arena during the next few months.

When people do not understand something they will not trust it and often even fear it. Clearly many in the general public do not understand the proposed plan and regulations. There is never-ending stream of misinformation driving many in the public to be against this draft. I ask the County staff along with WRT to increase the number of public meetings they intend to host in the weeks ahead with the goal of providing the opportunity for the general public to understand the proposed plan and regulations.

Despite the intensity of this process Pulaski County government is stepping up to meet their responsibility to all of it citizens.

Thank You,

Kate Althoff

60.

From: Susan Hardin

Sent: Friday, September 16, 2011 4:27 PM

To: Van McClendon

Subject: Support a Land Use Plan for Lake Maumelle Watershed

Van McClendon, Director

Pulaski County Planning and Development

Little Rock, AR

Dear. Mr. McClendon,

I am writing to strongly recommend that you support a Land Use Plan for the Lake Maumelle Watershed. I also request that it be one that will afford the greatest protections for our drinking water.

With increased demand for development, more roads, more construction, increased populations and density, we know that there will be greater runoff with an increased risk of degradation of the watershed.

As a retired oncology nurse and from a public health perspective alone, enacting a Land Use Plan could prevent unwanted chemicals and pharmaceuticals from ever entering the water supply. Not only is this a matter of safety, but also one of economic importance since attempts at restoring to current standards would be very costly.

I urge Pulaski County to adopt a Land Use Plan to increase protections for the Lake Maumelle Watershed.

Sincerely,

Susan M. Hardin
Little Rock, AR

61.

From: Ruth Bell

Sent: Friday, September 16, 2011 7:47 PM

To: Van McClendon

Subject: Comment on Land use Plan 91611

I appreciate the opportunity to comment, as an individual, on the most recent draft of the proposed long range plan for that portion of the Maumelle Watershed in Pulaski County.

In the main it is an excellent land use plan. I am especially pleased by the following provisions and hope that they will be carried forward unaltered into the final document.

- Extensive list of prohibited uses. Addition of subsurface mining to the restricted uses would be a welcome improvement..
-
- Building height restriction of 36'. This important restriction should be retained in the final document because it protects landowners from having their views encroached upon by very tall buildings, and because it discourages construction of large apartment or condominium buildings with accompanying high population density. A lower population density is more compatible with the existing more rural life style now present in the Watershed and places less stress on Lake Maumelle.
- * At one point the draft document had stream buffers with graduated widths of 50, 100, and 150 feet - the larger the stream, the wider the buffer. That concept enables undisturbed vegetation abutting streams to serve as filter strips. Riparian research shows that the stream buffer concept does an excellent job of protecting stream water from pollutants. It is simple, it does not require man-made structures which must be maintained, and through the use of easements has the possibility of offering landowners at some time in the future a possible tax deduction. I strongly recommend that the graduated width stream buffers be a part of the final document.
- Many provisions of the draft long range plan are subject to an appeal process. Although the process is common to many County Ordinances, it is important that it be spelled out in detail in the Plan, so all citizens will know how to access it.

A common concern expressed when land use plans are proposed is that landowners in the target area will experience lower property values. Experience in other states has shown that land values in similar areas (protecting a lake or unique natural feature) increase in value, usually more so than adjacent property outside the plan area.

Thank you for the opportunity to comment. Ruth Bell.

62.

From: Don Clevenger

Sent: Friday, September 16, 2011 8:44 PM

To: Van McClendon
Subject: watershed zoning

I have question for your 27th planning meeting

1. Why is the CAW wanting a more than 300 foot buffer that is equired by the Arkansas Department of Health for water supply reservoirs

Thank You

Don Clevenger

63.

From: Donna Massey
Sent: Friday, September 16, 2011 9:22 PM
To: Van McClendon
Subject:

Van, as a member of the Pulaski County Quorum Court I am in support of the Arkansas Watershed zoning proposal. I have received calls from residents who are satisfied with the plan and believe it provides balance.

I have also received calls and letters from residents who live near Lake Maumelle, who are not pleased. Some believe this proposal is a form of "Land Grab" by Central Arkansas Water and Pulaski County. I would not support the taking of any ones property other than to preserve life (I may soon be the victim of eminent domain)! Some landowners do not see the need for this proposal; they believe it is too restrictive. Simply put, landowners want few restrictions in reference to developing their property. Unfortunately, as a governing body, we cannot allow residents to self regulate what happens in the watershed. I have read the proposal from start to finish, and my understanding is that current landowners are grandfathered in, and new development will be regulated (not taken). Too many Arkansans depend on Lake Maumelle as their primary source of drinking water. The county must take a proactive approach to preserving our water and the Land-Use Plan is the right option.

More next page...

64.

From: Doris Reed

Sent: Friday, September 16, 2011 10:39 PM

To: Van McClendon

Comments to Pulaski County Planning Commission
In Opposition to Recommending that the Pulaski County Quorum Court
Impair the Property Rights of Pulaski County Property Owners
in the Lake Maumelle Watershed

To: Planning Commission - Pulaski County
From: Doris Reed
Date: 9-15-11

Re: Protect Property Owner's Rights, 3 page comment with 3 attachments

Attachment #1, Central Arkansas Water (CAW) Resolution 2003-10 & diagram, 3 pages

Attachment #2, CAW 2004 Annual Operations & Financial Report, 1 page excerpt

Attachment #3, CAW 2004 & 2005 Financial Statement, ect., 3 pages excerpt

Central Arkansas Water has stated in Resolution 2003-10 its intention to "acquire" all the land in the watershed of Lake Maumelle.

The Central Arkansas Water corporation adopted Resolution 2003-10 on September 04, 2003. Resolution 2003-10 states:

"Now Therefore Be It Resolved by the Board of Commissioners of Central Arkansas Water that the following Lake Maumelle Watershed Protection Plan is hereby established:"

Regarding Lake Maumelle, Resolution 2003-10 states, "the lake has been divided into two zones".

The first zone, called Zone 1, covered about the eastern half of Lake Maumelle. The second zone, called Zone 2, covered about the western half of Lake Maumelle, as well as all the remaining land that Central Arkansas Water termed the "Lake Maumelle Watershed". The Lake Maumelle Watershed is all the land that gives water to Lake Maumelle tributaries. The watershed of Lake Maumelle extends from Lake Maumelle, through western Pulaski County; it runs nearly to the western and northern borders of Perry County and also takes in part of Saline County. It covers about 137 square miles (88,000 acres).

The drinking water reservoir, Lake Maumelle, is in both Zone 1 and Zone 2. According to the CAW 2004 Annual Operations & Financial Report (page 5), the original construction date for Lake Maumelle was 1956. Little Rock, using a component unit of the City, Little Rock Municipal Water Works, finished building Lake Maumelle about 1958. ~~_____~~

Comment, Pg. 1 of 3, with 3 additional attachments

From: Doris Reed

(Attachment 2 Assets - Water Source = 75 years)

Maumelle Valley is a shallow valley that was never deep enough to form a lasting water reservoir for drinking water. Little Rock built this temporary drinking water reservoir to provide drinking water to Little Rock, which was smaller in 1958. In spite of this fact, now the water is also being sold to other areas, such as North Little Rock, Jacksonville, and Wye Mountain. Back in 2004, according to the CAW 2004 Annual Operations & Financial Report (page 5), CAW was already selling water in "12 cities and communities". The use of the lake is being extended beyond its original design. This adversely impacts the useful life of this water reservoir. The property owners in the watershed did not cause these problems.

According to the Central Arkansas Water 2004 Annual Operations & Financial Report (see Attachment #2), Lake Maumelle has a 75 year useful life as a source of drinking water. Little Rock completed building Lake Maumelle around 1958. Therefore, as of 2011, according to CAW's own report, Lake Maumelle has about 22 years left on its useful life as a water reservoir. CAW has already made plans to obtain water from other sources, such as Greens Ferry Lake and Lake Ouachita. This situation raises these questions:

- What does Little Rock plan to do with land it takes in the Lake Maumelle Watershed after Lake Maumelle can no longer serve as a source of drinking water?
- Is it fair to impair property owner rights for property owners in the Lake Maumelle Watershed for eternity for the Lake Maumelle water reservoir that has a limited useful life as a source of drinking water of only 22 years left?
- Is it wise and fair to take away property rights?
- When Lake Maumelle ceases to exist as a drinking water source, the property rights taken from the Pulaski County residents will not be returned. Is this fair?

Central Arkansas Water, in Section 6 of Resolution 2003-10 states:

"The Chief Executive Officer is directed to implement the Plan and to give implementation of the Plan the highest priority so that all watershed property in Zone 1 is acquired within three years from the date of this resolution and all watershed property in Zone 2 is acquired within five years of this resolution."

On September 04, 2003, Central Arkansas Water adopted this Resolution 2003-10 clearly stating its intent to acquire within five years all the land within the entire watershed of Lake Maumelle.

It is important to know that, according to the auditing firm of Moore, Stephen, Frost, in the 2004 and 2005 CAW Financial Statements etc. (see attachment #3, Management Discussion and Analysis), that Central Arkansas Water (CAW):

"was created....to operate ...the municipally owned water works and distribution system."

This CAW audit refers to the City of Little Rock Resolution No. 10165, enacted December 16, 1997. On page 21 of this same Financial Statement, under #6, Commitments and Contingencies, paragraph #2, is stated:

"On December 16, 1997, the City of Little Rock, Arkansas, enacted Resolution No. 10165. This resolution requires that component units of the City, including the Company," (CAW), "remit to the City of Little Rock the proceeds from sale or lease of real property held in the name of the City or the component unit."

For example, as stated at the bottom of the same preceding paragraph:

"All cell tower lease payments are now paid directly to the City of Little Rock. The Company" (CAW) "receives a fifteen percent handling fee, which approximated \$41,000 and \$44,000 for the years ended December 31, 2006 and 2004, respectively."

This Resolution No. 10165 clarifies that ■the real property (i.e. LAND, etc.) supposedly owned by Central Arkansas Water (CAW), is actually owned by the City of Little Rock.

We are against taking away the rights of property owners in the Lake Maumelle Watershed. Let us, the people, unite to protect property and property rights. As Ernest Hemingway wrote, "Do not ask for whom the bell tolls, it tolls for thee."

CAW

RESOLUTION 2003-10

A RESOLUTION TO ESTABLISH A PLAN TO CONTINUE THE PROTECTION OF THE LAKE MAUMELLE WATERSHED

Whereas on July 31, 1992 the Little Rock Municipal Water Works Board of Commissioners determined by Resolution that it was necessary to protect the Lake Maumelle watershed from pollution and that lands within the watershed should be acquired to protect the public water supply; and

Whereas on October 16, 1998 the Little Rock Municipal Water Works Board of Commissioners by Resolution set forth a plan of action to protect the Lake Maumelle watershed; and

Whereas the Board of Commissioners of Central Arkansas Water desires to continue the protection of the Lake Maumelle watershed,

Now Therefore Be It Resolved by the Board of Commissioners of Central Arkansas Water that the following Lake Maumelle Watershed Protection Plan is hereby established:

Section 1. For watershed protection, the lake has been divided into two zones as depicted in Exhibit 1 to the resolution. A line has been established between Sections 1 and 2, T2N, R15W and Sections 11, 12, 13, 14, 23, 24, 25, 26, 35, 36 T3N, R15W. The northern and southern end of the line stops at the respective watershed boundary. Zone 1 is defined as watershed properties east of said line. Zone 2 is defined as all watershed property west of said line.

Section 2. The plan to be implemented for protection of each zone of Lake Maumelle shall be as follows:

Zone 1

Purchase all undeveloped land within the watershed with the exception of the watershed property in Section 1, T3N, R15 W.

Acquire, if deemed appropriate, houses when offered for sale by the land owner utilizing purchase and lease back agreements, management agreements or other owner use agreements when practical.

Obtain land use agreements on all watershed property within Zone 1 upon which houses are located that are not acquired.

Zone 2

Acquire a 300 foot buffer on critical streams as depicted on Exhibit 1. The acquisition of the buffer may be through a number of means including outright purchase, purchase and lease back agreements, management agreements, or other owner use agreements when practical.

Strive to obtain land use agreements with the property owners on property outside the 300 foot buffer and consider purchasing such property that is offered for sale.

Acquire, if deem appropriate, houses when offered for sale by the land owner utilizing purchase and lease back agreements, management agreements or other owner use agreements when practical.

Consider land use agreements upon which houses are located that are not acquired.

Section 3. Utilize enforcement of Arkansas Department of Health and Department of Environmental Quality regulations to protect the watershed and reservoir.

Section 4. Coordinate with City and County Planning Departments, Arkansas Department of Health and Department of Environmental Quality to review their permit applications within the watershed.

Section 5. Utilize injunctive powers when necessary to stop pollution.

Section 6. The Chief Executive Officer is directed to implement the Plan and to give implementation of the Plan the highest priority so that all watershed property in Zones 1 is acquired within three years from the date of this resolution and all watershed property in Zone 2 is acquired within five years of this resolution.

Section 7. The Chief Executive is directed to review the Watershed Protection Plan annually and make any adjustments that are warranted.

Section 8. A copy of this resolution shall be sent to each property owner known to Central Arkansas Water within Zones 1 and 2 and to each real estate firm known by Central Arkansas Water which handles property in the Lake Maumelle watershed.

Section 9. This resolution shall take effect upon its adoption and approval.

ADOPTED: September 04, 2003

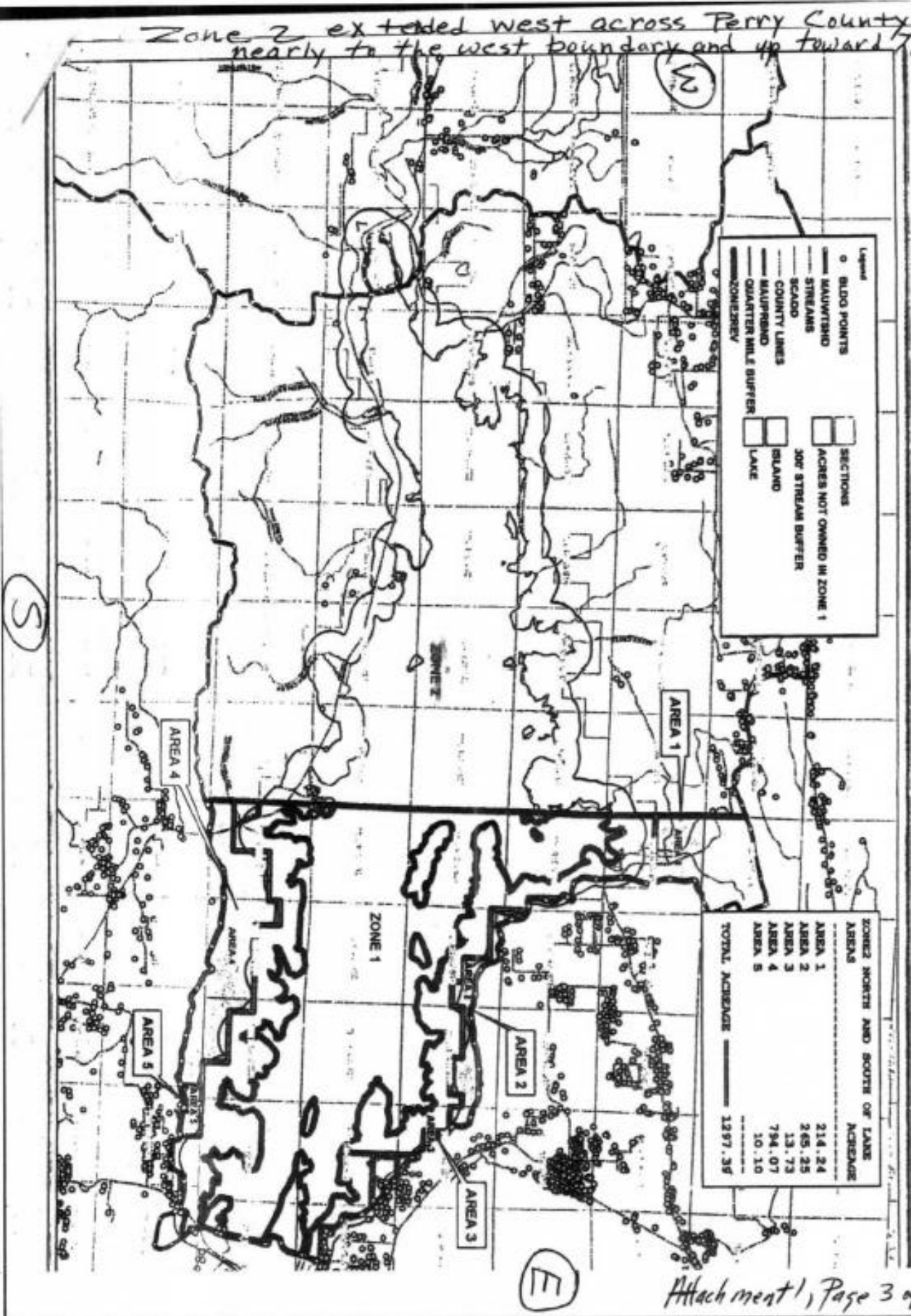
ATTEST:

Tom Rimmer, Secretary

Craig Wood, Chair

Zone 2 extended west across Perry County nearly to the west boundary and up toward

Toadsuck.



(N)

Lake Marcella

(S)

(E)

CAW 2004 Annual Operations & Financial Report
Notes to Financial Statements

Attachment #2
 page 1 of 1

CENTRAL ARKANSAS WATER

For the Years Ended December 31, 2004, and December 31, 2003

I. Summary of Significant Accounting Policies

a. Nature of business — Central Arkansas Water is organized as an independent enterprise agency. Central Arkansas Water was established on July 1, 2001, to operate the municipally-owned water works and distribution system from the merger of Little Rock Municipal Water Works and the North Little Rock Water Department.

b. Basis of accounting — The accounts of Central Arkansas Water are accounted for as an enterprise fund, which is considered a proprietary fund type. Enterprise funds account for activities that are financed and operated in a manner similar to private business enterprises or for which periodic determination of revenues, expenses, and net income is desirable. These funds render services to the general public on a user-charge basis. Enterprise funds are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recognized when earned, and expenses are recognized when incurred, regardless of the timing of the related cash flows.

Operating revenues and expenses are distinguished from other revenue (expense) items. Operating revenues and expenses generally result from providing services in connection with the principal ongoing operations. All revenues and expenses not meeting this definition are reported as other revenue (expense) but remain a major component of the overall revenues and expenses of Central Arkansas Water.

Central Arkansas Water accounts for their activities in accordance with Statement No. 20 of the Governmental Accounting Standards Board. This statement requires proprietary funds to account for all activities in accordance with applicable Governmental Accounting Standards Board pronouncements. In addition, it allows proprietary activities to follow pronouncements issued by the Financial Accounting Standards Board (FASB) unless those pronouncements conflict with or contradict the pronouncements of the Governmental Accounting Standards Board. Central Arkansas Water has elected to follow Governmental Accounting Standards Board pronouncements.

c. Estimates — Estimates and assumptions are used in preparing financial statements in accordance with accounting principles generally accepted in the United States of America. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities and the reported revenues and expenses. Actual results could vary from the estimates that were assumed in preparing the financial statements.

d. Revenue recognition — Central Arkansas Water recognizes revenue when it is earned, which is based upon customer usage and when it occurs.

e. Cash and cash equivalents — Cash includes cash on hand, amounts due from banks, and cash held in bank trust department safekeeping accounts in Central Arkansas Water's name. Any short-term investments and certificates of deposits purchased with original maturities of three months or less are considered cash equivalents. For statement of cash flow purposes, federal market funds are considered to be cash.

f. Investments — Investments are recorded at fair value based on quoted market prices. Interest and investment income are recorded when earned. Investments consist of governmental and corporate securities and management has the intention to hold all investments to maturity.

g. Capital assets — Capital assets are stated at historical cost or, for contributed items, at estimated fair market value on the date of contribution. Depreciation is calculated using the straight-line method over the estimated useful lives of the depreciable assets. The capitalization policy states that capital assets are assets with an initial value or cost greater than or equal to \$1,000 and an estimated useful life greater than one year. Significant betterments, which increase the useful lives of capital assets, are capitalized and depreciated over the remaining useful life. The estimated useful lives are as follows:

Asset	Years
Water source	75
Buildings, fixtures, and grounds	40
Purification, pumping, and distribution equipment	10-75
Computer, and other equipment	5-20

h. Inventory — Inventory is stated at the lower of cost (first-in, first-out method) or market and consisted primarily of supplies.

CENTRAL ARKANSAS WATER

December 31, 2005 and 2004

**Financial Statements
And
Additional Information**

With

Independent Auditor's Report

MOORE STEPHENS FROST

A Professional Limited Company
CERTIFIED PUBLIC ACCOUNTANTS
LITTLE ROCK, ARKANSAS





Management Discussion and Analysis

Our discussion and analysis of Central Arkansas Water's ("CAW" or the "Company") financial performance provides an overview of the utility's activities for the twelve months ended December 31, 2005 and 2004. CAW was created through a merger of the Little Rock Municipal Water Works and the North Little Rock Water Department on July 1, 2001 to operate the municipally owned water works and distributions system. The merged company employs a staff of 283 and serves approximately 360,000 residents in the Central Arkansas Metropolitan area. A goal of the merger was to equalize water rates for inside-city customers in both Little Rock and North Little Rock. In order to equalize inside-city rates, the lower rates for customers in Little Rock have to increase and the higher rates for customers in North Little Rock must stabilize until the rates become equal. In November 2005, the Board of Commissioners recognized the need for additional revenue and movement toward equalization by approving a resolution that increased overall rate revenue by approximately 20% over 2006, 2007, and 2008. This overview should be read in conjunction with CAW's financial statements, which begin on page 9.

Using the Annual Audit Report

This annual audit report consists of a series of financial statements, footnotes and supplementary information. The Statement of Net Assets and the Statement of Revenues, Expenses and Changes in Net Assets (on pages 9 - 10) provide information about the financial activities of CAW. The footnotes and supplementary information provide additional narrative concerning selected financial statement items.

Financial Highlights

	<u>2005</u>	<u>2004</u>	<u>2003</u>
Assets			
Total current assets	\$ 19,280,162	\$ 18,846,391	\$ 17,260,123
Total restricted assets	28,595,770	40,608,511	30,805,471
Net capital assets	265,067,107	248,820,205	230,116,501
Other assets	<u>200,154</u>	<u>212,201</u>	<u>123,344</u>
Total assets	313,143,193	308,487,308	278,305,439
Liabilities			
Total current liabilities	9,384,367	9,693,551	8,469,009
Total long-term and other liabilities	<u>41,546,833</u>	<u>43,245,978</u>	<u>22,609,039</u>
Total liabilities	50,931,200	52,939,529	31,078,048

CENTRAL ARKANSAS WATER

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Notes to Financial Statements

December 31, 2005 and 2004

5. Long-Term Liabilities (cont.)

The following schedule shows the annual debt service of the revenue bonds outstanding at December 31, 2005:

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2006	\$ 1,605,000	\$ 1,714,703	\$ 3,319,703
2007	1,665,000	1,658,528	3,323,528
2008	1,725,000	1,596,303	3,321,303
2009	1,785,000	1,531,828	3,316,828
2010	1,855,000	1,465,103	3,320,103
2011-2015	10,400,000	6,203,597	16,603,597
2016-2020	12,710,000	3,881,525	16,591,525
2021-2024	9,035,000	939,510	9,974,510
	<u>\$ 40,780,000</u>	<u>\$ 18,991,097</u>	<u>\$ 59,771,097</u>

The Company paid approximately \$1,655,000 and \$863,000 in interest charges for the years ended December 31, 2005 and 2004, respectively. Of these amounts, approximately \$879,000 and \$554,000, was capitalized on bond related construction in progress.

The Company is required to attain net revenues at least equal to the sum of 120% of the aggregate debt service. The Company must also have 100% of the repayment obligations, if any, which will be due and payable in the forthcoming year. These amounts are required by the Master Indenture to be deposited into a Debt Service Reserve Account. The Company was in compliance with all debt covenants for the years ended December 31, 2005 and 2004.

6. Commitments and Contingencies

The Company had commitments totaling approximately \$9,760,000 and \$3,179,000 at December 31, 2005 and 2004, respectively, for the expansion of operating capacity. Certain of the contracts related to these commitments include a provision for the retainage of a portion of the fees on the work completed to date. These amounts will be paid upon completion and inspection of the facilities. Retainage payable related to these contracts included in the statement of net assets totaled approximately \$229,000 and \$220,000 at December 31, 2005 and 2004, respectively.

On December 16, 1997, the City of Little Rock, Arkansas, enacted Resolution No. 10165. This resolution requires that component units of the City, including the Company, remit to the City of Little Rock the proceeds from sale or lease of real property held in the name of the City or the component unit. Exceptions to this resolution are revenues received by the Commission for rentals if those monies are directly used to operate and maintain the facilities from which the rentals are received, any leases executed before the effective date of the resolution or any real property that is not considered surplus and has an easement attached. All cell tower lease payments are now paid directly to the City of Little Rock. The Company receives a fifteen percent handling fee, which approximated \$41,000 and \$44,000 for the years ended December 31, 2005 and 2004, respectively.

End of Commentary