

APPENDIX A: MOA's

**MEMORANDUM OF AGREEMENT
BETWEEN THE
BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS SYSTEM
FOR AND ON BEHALF OF THE
UNIVERSITY OF ARKANSAS SYSTEM-DIVISION OF AGRICULTURE
AND THE
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

THIS MEMORANDUM OF AGREEMENT (hereinafter referred to as "MOA") is made and entered into between the Board of Trustees of the University of Arkansas System for and on behalf of the University of Arkansas System-Division of Agriculture (hereinafter referred to as "University") and the Arkansas Department of Environmental Quality (hereinafter referred to as "ADEQ" or the "Department").

WITNESSETH:

WHEREAS, ADEQ is an agency of the State of Arkansas vested with authority to administer environmental regulatory programs, and ADEQ's mission is to protect, enhance, and restore the natural environment for the well-being of all Arkansans; and

WHEREAS, one of the many duties of ADEQ is to issue permits for certain livestock operations, including confined animal feeding operations (hereinafter referred to as "CAFOs"); and

WHEREAS, pursuant to its statutory duties and in compliance with applicable state and federal environmental laws and regulations, ADEQ issued a general permit for CAFOs operating in the state; and

WHEREAS, the first facility permitted under the new general permit for CAFOs is C&H Hog Farm located in the Buffalo River watershed in Newton County; and

WHEREAS, the Buffalo River, designated as the nation's first national river, is unquestionably a scenic and environmental treasure and the maintenance of its natural beauty and pristine water is recognized as important to all citizens of the state; and

WHEREAS, out of concern for protecting the Buffalo River and its tributaries, the Governor has taken the extraordinary step of seeking authorization from the Legislature for \$340,510.00 to conduct additional testing in areas on or near the permitted CAFO, C&H Hog Farm, in the Buffalo River watershed; and

WHEREAS, the University of Arkansas System-Division of Agriculture has professionals with expertise in soil and water monitoring and the design and implementation of best practices relevant to the compliance of farm operations to state and federal laws;

NOW, THEREFORE, in furtherance of ADEQ's mission to protect the environment and administer regulatory programs, University and ADEQ agree as follows:

I. Scope of Agreement

A. University agrees to:

1. Undertake and complete a study of the potential for water quality impacts within the Buffalo River watershed from animal wastes produced by the permitted CAFO, C&H Hog Farm, and its operations within the watershed. University shall designate individuals with professional qualifications and expertise sufficient to design and implement such study, including but not limited to best placement for monitoring wells, sampling and testing as necessary for a thorough and informed analysis. This study shall be for the review and consideration of ADEQ and other state officials. Although carried out for the use and benefit of ADEQ and to inform its ultimate performance of its regulatory functions, the study shall be funded and conducted independently of ADEQ and shall meet the requirements of an independent study conducted by professionals in the field of water quality.
2. Provide ADEQ with a Project Plan and time line for the implementation and completion of the water quality study as described herein.
3. Provide ADEQ with quarterly written reports due each quarter of each year this Agreement remains in effect, beginning with the first report due on or before January 31, 2014, the second report due on or before March 31, 2014 and continuing quarterly ending with the final report which will contain conclusions and recommendations, due on or before June 30, 2019. The quarterly reports shall be in a format approved mutually by ADEQ and University, and, at a minimum, shall include a summary of all Project Plan activities performed by University during the preceding quarter.
4. Seek additional funding from appropriate sources as needed for completion of the study in accordance with the Project Plan.

B. ADEQ agrees to:

1. Assist University with obtaining access to conduct the study if access is denied by any property owner.
2. Assist and support University's independent study as appropriate through the sharing of relevant data and information available to ADEQ.

II. Term

This Agreement shall become effective as soon as signed by both parties and shall remain in force until June 30, 2019, unless terminated earlier in accordance with other provisions herein.

III. Termination

- A. This Agreement may be terminated by mutual consent of the parties, or by one party upon thirty (30) days written notice.

B. In the event the State of Arkansas fails to appropriate funds or make monies available for any fiscal year covered by the term of this Agreement, then this Agreement shall be automatically terminated on the last day of the fiscal year for which funds were appropriated or monies made available for such purposes.

IV. Amendment

Amendments to this Agreement may be proposed by either party upon written notice to the other party, and such amendments shall become effective as soon as signed by both parties hereto.

V. Notices

Any notices required hereunder shall be addressed as follows:

To ADEQ:

Teresa Marks, Director
Arkansas Dept. of Environmental Quality
5301 Northshore Dr.
North Little Rock, AR 72118-5317
Tel. (501) 682-0959
Fax (501) 682-0798

With a copy to:

Tammera Harrelson, Chief Counsel
Arkansas Dept. of Environmental Quality
5301 Northshore Dr.
North Little Rock, AR 72118-5317
Tel. (501) 682-0886
Fax (501) 682-0891

To UNIVERSITY:

Dr. Mark Cochran
Vice President for Agriculture
University of Arkansas System
Division of Agriculture
2404 N. University Ave.
Little Rock, AR 72207-3608
Tel. (501) 686-2540
Fax (501) 686-2543

With a copy to:

University of Arkansas System
Attn: Office of General Counsel
2404 North University Avenue
Little Rock, AR 72207-3608
Tel. (501) 686-2520
Fax (501) 686-2517

VI. Miscellaneous:

A. The officials executing this Agreement hereby represent and warrant that they have full and complete authority to act on behalf of University and ADEQ, respectively, and that the terms and provisions hereof constitute valid and enforceable obligations of each.

B. This Agreement shall be interpreted and construed in accordance with the laws of the State of Arkansas.

C. No transfer or assignment of this Agreement, or any part thereof or interest therein, shall be made unless all of the parties first approve such transfer or assignment in writing.

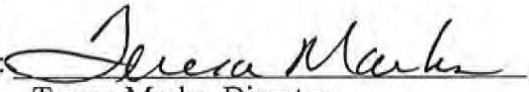
D. This Agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written, not specified within this Agreement.

**BOARD OF TRUSTEES OF THE
UNIVERSITY OF ARKANSAS SYSTEM
FOR AND ON BEHALF OF THE
UNIVERSITY OF ARKANSAS
DIVISION OF AGRICULTURE**

By: 
Ann Kemp Vice-President
for Administration

Dated this 5 day of Sept., 2013.

**ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY**

By: 
Teresa Marks, Director

Dated this 6th day of Sept., 2013.



Department of Crop, Soil and Environmental Sciences

115 Plant Sciences Building • Fayetteville, Arkansas 72701 • (479) 575 5721 • (479) 575 7465 (FAX)

February 17, 2014

Robbie Flood
HC 72
P.O. Box
Mt. Judea, AR 72655

Re: Big Creek Research and Extension Project

Dear Robbie Flood;

On behalf of the Big Creek Research and Extension Team (Team) of the University of Arkansas System Division of Agriculture (Division), thank you (Landowner) for your prior permission to access your land for the purposes of baseline research work using ground penetrating radar and grid soil sampling. In continuation of this project to the next phase, the Team is hereby requesting Landowner written approval to enter Landowner property for the purposes of placing soil/water sampling equipment, sub-surface water collection equipment, and access to the same.

As previously agreed, all such equipment will be specifically sited with Landowner approval. In particular, equipment will be placed on edge-of-field outside the immediate production areas and in such a way so as not to interfere with Landowner's normal production practices and equipment.

Research equipment noted herein will be placed no later than April 18, 2014, and will remain on the property no later than five years from the date of placement, unless the parties agree in writing to the contrary.

Vehicles used to bring research equipment and Team members to and from shall be chosen so as to have minimal impact to the land.

The only persons allowed access under this agreement are faculty and technicians on the Team. The Team will make every effort to minimize disturbance or disruption to Landowner property. The Team will be responsible for any damage to the property attributable to its negligence, provided that responsibility for such payment must be determined by the Arkansas Claims Commission in accordance with state law.

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Big Creek Research and Extension Project

Access by Team members for the purposes of data collection, equipment maintenance, and water and soil sampling will normally occur between 10 am and 3 pm. All efforts will be made to alert Landowner of such planned access 24 hours or more prior to entering the property. Expected access will be approximately once a month, with greater frequency following rainfall events and land application of fertilizer or manure.

Any questions or issues may be directed to:

Andrew Sharpley, Project Leader
Big Creek Research and Extension Project
PTSC 115
University of Arkansas
Fayetteville, Arkansas 72701

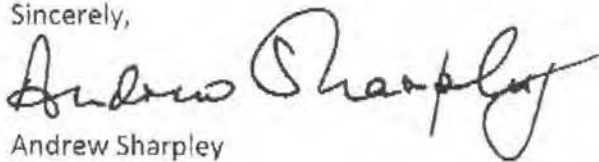
Office: (479) 575-5721

Cell: (479) 871-6703

Email: sharples@uark.edu

A signature below by Landowner indicates this is the entire agreement and that consent to property access under the terms noted herein for the next phase of the Big Creek Research and Extension Project is expressly given. Thank you again for your cooperation.

Sincerely,



Andrew Sharpley
Project Leader

Approval: 
Landowner: Robbie Flood

Date: 2-20-2014

Department of Crop, Soil and Environmental Sciences

115 Plant Sciences Building • Fayetteville, Arkansas 72701 • (479) 575 5721 • (479) 575 7465 (FAX)

February 17, 2014

Jewel Fowler
HC 72
P.O. Box
Mt. Judea, AR 72655

Re: Big Creek Research and Extension Project

Dear Jewel Fowler;

On behalf of the Big Creek Research and Extension Team (Team) of the University of Arkansas System Division of Agriculture (Division), we are requesting your (Landowner) written approval to enter Landowner property for the purposes of placing water collection equipment, and access to the same.

All such equipment will be specifically sited with Landowner approval. In particular, equipment will be placed outside of any immediate production areas or rights of way and in such a way so as not to interfere with Landowner's normal practices and land access.

Research equipment noted herein will be placed no later than April 18, 2014, and will remain on the property no later than five years from the date of placement, unless the parties agree in writing to the contrary.

Vehicles used to bring research equipment and Team members to and from shall be chosen so as to have minimal impact to the land.

The only persons allowed access under this agreement are faculty and technicians on the Team. The Team will make every effort to minimize disturbance or disruption to Landowner property. The Team will be responsible for any damage to the property attributable to its negligence, provided that responsibility for such payment must be determined by the Arkansas Claims Commission in accordance with state law.

Access by Team members for the purposes of data collection, equipment maintenance, and water sampling will normally occur between 10 am and 3 pm. All efforts will be made to alert Landowner of such planned access 24 hours or more prior to entering the property. Expected access will be approximately once a week, with greater frequency following rainfall events.

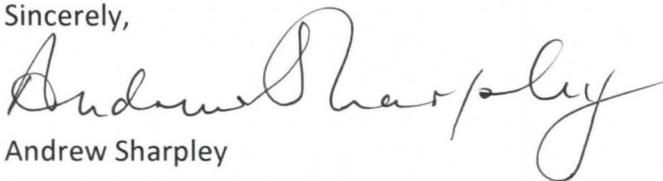
Any questions or issues may be directed to:

Andrew Sharpley, Project Leader
Big Creek Research and Extension Project
PTSC 115
University of Arkansas
Fayetteville, Arkansas 72701

Office: (479) 575-5721
Cell: (479) 871-6703
Email: sharpley@uark.edu

A signature below by Landowner indicates this is the entire agreement and that consent to property access under the terms noted herein for the next phase of the Big Creek Research and Extension Project is expressly given. Thank you again for your cooperation.

Sincerely,



Andrew Sharpley
Project Leader

Approval: Jewel Fowler Date: 2/26/14
Landowner: Jewel Fowler

Department of Crop, Soil and Environmental Sciences

115 Plant Sciences Building • Fayetteville, Arkansas 72701
• (479) 575 5721 • (479) 575 7465 (FAX)

February 17, 2014

Donald Haddock

Re: Big Creek Research and Extension Project

Dear Landowner;

On behalf of the Big Creek Research and Extension Team (Team) of the University of Arkansas System Division of Agriculture (Division), we are requesting your (Landowner) written approval to enter Landowner property for the purposes of placing water collection equipment, and access to the same.

All such equipment will be specifically sited with Landowner approval. In particular, equipment will be placed outside of any immediate production areas or rights of way and in such a way so as not to interfere with Landowner's normal practices and land access.

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Access by Team members for the purposes of data collection, equipment maintenance, and water sampling will normally occur between 10 am and 3 pm. All efforts will be made to alert Landowner of such planned access 24 hours or more prior to entering the property. Expected access will be approximately once a week, with greater frequency following rainfall events.

Any questions or issues may be directed to:

Andrew Sharpley, Project Leader
Big Creek Research and Extension Project
PTSC 115
University of Arkansas
Fayetteville, Arkansas 72701

Office: (479) 575-5721
Cell: (479) 871-6703
Email: sharpley@uark.edu

A signature below by Landowner indicates this is the entire agreement and that consent to property access under the terms noted herein for the next phase of the Big Creek Research and Extension Project is expressly given. Thank you again for your cooperation.

Sincerely,

Andrew Sharpley
Project Leader

Approval: Donald Haddock Date: 4-8-14
Landowner: Donald Haddock



Department of Crop, Soil and Environmental Sciences

115 Plant Sciences Building • Fayetteville, Arkansas 72701 • (479) 575 5721 • (479) 575 7465 (FAX)

February 17, 2014

Jason Henson
HC 72
P.O. Box 10
Mt. Judea, AR 72655

Re: Big Creek Research and Extension Project

Dear Jason Henson;

On behalf of the Big Creek Research and Extension Team (Team) of the University of Arkansas System Division of Agriculture (Division), thank you (Landowner) for your prior permission to access your land for the purposes of baseline research work using ground penetrating radar and grid soil sampling. In continuation of this project to the next phase, the Team is hereby requesting Landowner written approval to enter Landowner property for the purposes of placing soil/water sampling equipment, sub-surface water collection equipment, and access to the same.

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Big Creek Research and Extension Project

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Andrew Sharpley, Project Leader
Big Creek Research and Extension Project
PTSC 115
University of Arkansas
Fayetteville, Arkansas 72701

Office: (479) 575-5721
Cell: (479) 871-6703
Email: sharples@uark.edu

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Sincerely,



Andrew Sharpley
Project Leader

Approval: Jason Henson Date: 2-21-14
Landowner: Jason Henson

Department of Crop, Soil and Environmental Sciences

115 Plant Sciences Building • Fayetteville, Arkansas 72701 • (479) 575 5721 • (479) 575 7465 (FAX)

February 17, 2014

County Judge
Newton County
Arkansas

Re: Big Creek Research and Extension Project

Dear County Judge;

On behalf of the Big Creek Research and Extension Team (Team) of the University of Arkansas System Division of Agriculture (Division), we are requesting your (Landowner) written approval to enter Landowner property for the purposes of placing water collection equipment, and access to the same.

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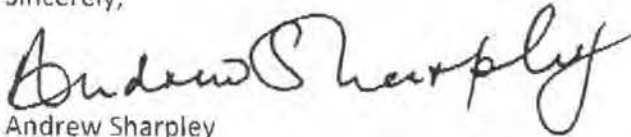
Any questions or issues may be directed to:

Andrew Sharpley, Project Leader
Big Creek Research and Extension Project
PTSC 115
University of Arkansas
Fayetteville, Arkansas 72701

Office: (479) 575-5721
Cell: (479) 871-6703
Email: sharples@uark.edu

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Sincerely,



Andrew Sharpley
Project Leader

Approval: Warren Campbell Date: 2-24-14
Landowner: Country Judge