

**Minutes of the  
ARKANSAS NATURAL RESOURCES COMMISSION**

**December 10, 2013**

The regular meeting of the Arkansas Natural Resources Commission was held Tuesday, December 10, 2013, at 8:00 a.m., at the Riverfront Wyndham Hotel, Silver City 1, #2 Riverfront Place, North Little Rock, Arkansas.

Commissioners in attendance were Neal Anderson, Mike Carter, Sloan Hampton, Fred Fowlkes, and David Feilke.

Staff members participating included: Randy Young, Executive Director; Jon Sweeney, Deputy Director/Chief Engineer; Crystal Phelps, General Counsel; Adrian Baber, Chief, Conservation Division; Mark Bennett, Chief, Water Development Division; Cynthia Bearden, Agency Controller; Blake Walters, Land Resource Specialist; Clay Durham, Land Resource Specialist; Bob Fowler, Land Resource Specialist; Deanna Ray, Associate General Counsel; Carla Hill, Administrative Assistant; and Pat Smith, Executive Assistant.

In absence of the Chairman and Vice-Chairman, the Executive Director, Randy Young, called the meeting to order and requested the Commissioners elect an acting Chairman to preside over the meeting. Upon motion by Mr. Anderson, second by Mr. Feilke, the Commission elected Mr. Hampton as acting chairman.

Acting Chairman Hampton called the meeting of the Arkansas Natural Resources Commission to order.

A list of guests is attached to the minutes.

**APPROVAL OF MINUTES; NOVEMBER 21, 2013**

Upon motion by Mr. Carter, second by Mr. Fowlkes, the Commission approved the minutes of the November 21, 2013, special telephonic meeting.

**REPORT OF THE EXECUTIVE DIRECTOR**

**2014 Commission Meeting Schedule:** - Mr. Young presented the 2014 meeting schedule for the Commission's consideration. Mr. Young requested that the May meeting be held in Magnolia, Arkansas, and that the December meeting be held at 2:00 p.m. Upon motion by Mr. Anderson, second by Mr. Carter, the Commission approved the 2014 Commission meeting schedule as presented.

**STATUS OF FINANCIAL ASSISTANCE PROGRAMS**

Mrs. Cynthia Bearden presented the financial assistance report. (Copy of report attached to the minutes). She further reported that the Agreed Upon Procedures (AUPs) for conservation districts were successfully completed. She conducted approximately one third of the visits, and six interns from different areas of the state completed the remainder. There were no significant findings and she advised that the conservation districts were doing a really good job with their policies and procedures.

**LEGAL ISSUES**

**Eoff Litigation Update** - Mrs. Ray advised that Mr. Eoff's counsel filed notices of deposition for Mr. Young, several commissioners, and the mayor of Clinton last week. In response, a motion was filed by ANRC to quash those depositions because the judge had not granted that right.

**Legislative Audit Report** - Mrs. Ray stated that an audit by Legislative Audit was requested by Representative Josh Miller. They conducted a very thorough audit of ANRC's hearing procedures and financial records.

Mrs. Phelps advised that she sent the commissioners the last draft of the audit report and ANRC's response to the findings. ANRC is going before Legislative Joint Audit/Standing Committee on Thursday.

Mr. Fowlkes asked if the audit concerned attendance at the Clinton dinner and the visit to the Eoff dam in July. Mr. Young affirmed that it did and outlined the Legislative Audit's findings. 1) Recommended the Commission review the regulations of meeting notices vs. hearing notices 'to provide clarity'. 2) If a vote of the commission is not unanimous, a roll call vote is required, and is to be recorded in the minutes. One vote was taken at the Eoff hearing that was not unanimous, and it was not recorded in the minutes. ANRC already had those procedures in place. 3) While the director is authorized to reimburse expenses for official guests of the state, those names have to be documented and justification written prior to the event. He stated that he did not realize that it had to be documented and justification written in advance. Everyone that ANRC paid for at the dinner (and that has since been documented) met the standard for official guests of the state.

## **FINANCIAL ASSISTANCE**

### **APPLICATION FOR FINANCIAL ASSISTANCE**

Mr. Bennett expressed his appreciation to the commissioners for their willingness to hold the special telephonic meeting on November 21, 2013. Chairman Cash signed all of the necessary documents, and the bond issue will close this Thursday. He advised that the agency will have approximately \$30 million in additional funds.

Mr. Bennett presented staff recommendations for the referenced project below requesting financial assistance from the Clean Water State Revolving Loan Fund (CWRLF).

Upon motion by Mr. Anderson, second by Mr. Carter, the Commission approved the following recommendation:

### **MAGNOLIA (COLUMBIA COUNTY) (CWRLF)**

**Up to \$250,000.00**

*PURPOSE OF FUNDS: To construct treatment and transportation facilities to allow sewer effluent to be used as industrial process water.*

The Commission approved funds in an amount up to **\$250,000.00** of which the total amount will be in the form of a loan with principal forgiveness for Magnolia from the Arkansas Clean Water State Revolving Loan Fund in accordance with the established funding priorities.

## **CONSERVATION DIVISION**

**CONSERVATION DISTRICT ACTIVITY REPORT** – Mr. Clay Durham introduced Mr. Kenny Clark with the Jackson County Conservation District and the Willow Slough Drainage District. Mr. Clark gave a presentation on the Cache River Log Jam Removal project. He said that it had taken twelve years of planning to get this project funded and completed.

Mr. Young added that one of the keys to this project is the monitoring which will demonstrate to U.S. Fish & Wildlife and EPA that it is possible to have this kind of project without adversely impacting the environment. Hopefully, upon proving that fact, more permits can be obtained to remove the lower jams on the river.

## **WATER RESOURCES MANAGEMENT DIVISION**

**Update on Arkansas Water Plan** - Mr. Swaim expects to have the report completed by November of 2014 for submission to the Commission for review. The demand and supply calculations have been completed for water availability in Arkansas through 2050.

A nomination form was recently mailed out statewide for names of nominees to sit on various committees with expertise in the categories of public water/wastewater; industry; crop irrigation; livestock/poultry; thermoelectric; fish and wildlife; recreation; navigation; county government; municipal; government; and also conservation districts. It was hoped 55 persons would volunteer to work these subgroups looking at issues on a regional basis. The final total was 130 persons who said they were willing to serve for the next six months. He distributed the list of nominees. It was his recommendation that the Commission accept all of the nominations from each of the five regions and that the Executive Director be authorized to make appointments where necessary in the areas where there was a shortage of nominees. He said that these nominees are sincerely interested in making this project a success.

Upon motion by Mr. Anderson, second by Mr. Fowlkes, the Commission approved the nominees as presented (a copy of the list is attached).

Mr. Feilke requested plenty of notice before being asked to chair the meetings. Mr. Swaim assured him that the Commission would have the information in ample time, and expects the Kick-Off Meeting in January. In February, he hopes to have one meeting in each of the five regions. If satisfied with those meetings, and conference calls in between, he plans one final statewide meeting.

## **COMMISSION TRAVEL EXPENSE REIMBURSEMENT**

**Approval of Travel Reimbursement** – Upon motion by Mr. Anderson, second by Mr. Feilke, the Commission approved reimbursable expenses for the Chairman or his designated representative to attend the following:

- (1) NACD Annual Meeting, February 2-5, 2014, Anaheim, California
- (2) Travel required in conjunction with the Series 2013 GO Bond Issuance, December 3, 2013, Little Rock, AR
- (3) All Water Plan Statewide Subgroup Meetings, 2014

## **OTHER BUSINESS**

**NOMINATING COMMITTEE REPORT; 2014 ELECTION OF OFFICERS** – In the absence of the nominating committee chair, Mr. Richardson, Mr. Young asked Mr. Fowlkes to present the nominating committee recommendations. They are as follows.

Dr. Corbet Lamkin, Chairman  
David Feilke, Vice-Chairman

Upon motion by Mr. Carter, second by Mr. Anderson, the Commission approved the recommendations of the nominating committee as presented. The term of office for the new officers will begin January 1, 2014 and expires December 31, 2014.

Mr. Young announced that Senator Bruce Maloch will be the keynote speaker at the Commission luncheon today and invited the commissioners to attend.

**ADJOURN**

There being no further business, the meeting was adjourned.

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J. Randy Young, P.E.  
Executive Director and Secretary

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Date