

**Minutes of the
ARKANSAS NATURAL RESOURCES COMMISSION**

December 12, 2013

A special telephonic meeting of the Arkansas Natural Resources Commission was held Thursday, December 12, 2013, at 2:45 p.m., in the Director's Office of Arkansas Natural Resources Commission, 101 East Capitol, Suite 350, Little Rock, Arkansas.

Commissioners participating were Ann Cash, Chairman; Corbet Lamkin, Vice Chairman; Sloan Hampton; Mike Carter; David Feilke; Neal Anderson; Fred Fowlkes, and Don Richardson.

Staff members participating included: Randy Young, Executive Director; Jon Sweeney, Deputy Director; Cynthia Bearden, Agency Controller, Crystal Phelps, General Counsel; Deanna Ray, Associate General Counsel; and Pat Smith, Executive Assistant.

Chairman Cash called the meeting of the Arkansas Natural Resources Commission to order, and asked Mrs. Smith for a roll call of Commissioners.

A list of guests is attached to the minutes.

REPORT OF THE EXECUTIVE DIRECTOR

Revised 2014 Commission Meeting Schedule - Mr. Young stated that a revised 2014 Commission Meeting schedule will be mailed that includes revisions approved at the December 10, 2013, meeting.

LEGAL ISSUES

Update on Legislative Audit's Special Report - Mrs. Phelps stated that the audit report was the subject of the Legislative Joint Audit/Standing Committee's review this morning. This special report has been used by the judge in Van Buren Circuit Court to determine that Mr. Eoff has alleged sufficient amounts of irregular procedures and may go forward with his lawsuit. This audit report recommends that ANRC have more rules written to address how staff and commissioners interact with one another.

Given the reaction and perception of the fairness of Mr. Eoff's hearing, Mrs. Phelps recommended that the Commission consider vacating the Commission's Order of July 17, 2013.

Mr. Richardson requested that since he did not vote on the original Order, that he be recused from this vote. Upon motion by Mr. Anderson, second Mr. Hampton, the Commission, by a roll-call vote, unanimously adopted the recommendation to vacate the Order of July 17, 2013.

Representative Josh Miller arrived, and Mr. Young welcomed him to the meeting. He also welcomed Mr. David Curran, an attorney with the Attorney General's office.

In accordance with rules, Mr. Young recommended that the Commission allow Chairman Cash to authorize the Secretary to execute documents in the chairman's behalf since she is in Lake Village and cannot execute the Order today. Upon motion by Mr. Fowlkes, second by Mr. Feilke, the Commission, by a roll-call vote, unanimously approved authorizing Mr. Young to execute the Order to Vacate.

Mr. Richardson voiced his concerns over the fact that Mr. Eoff illegally built a poorly constructed and unstable dam. He further noted that EPA has an Order to remove the dam and hopes that EPA goes forward with the Order. He reiterated that, as a citizen of Clinton, he believes the city's water system is at risk because of the instability of the dam, and added that the City of Clinton had invested 2 million in federal dollars, as well as 3 million dollars in loan funds from the state, for a new clarifier. He stated that he had hoped that Mr. Eoff would have been a better citizen than to put those kinds of resources in jeopardy.

Mr. Young expressed his appreciation to the commissioners for being available for this specially called meeting to address this situation.

ADJOURN

There being no further business, the meeting was adjourned.

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

Date