

DRAFT
Minutes of the
ARKANSAS NATURAL RESOURCES COMMISSION

November 5, 2014

A special meeting of the Arkansas Natural Resources Commission was held Wednesday, November 5, 2014, at 1:30 p.m., at the office of the Arkansas Natural Resources Commission, 101 East Capitol, Suite 350, Little Rock, Arkansas.

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

Staff members participating included: Randy Young, Executive Director; Jon Sweeney, Deputy Director/Chief Engineer; Adrian Baber, Chief, Conservation Division; Cynthia Bearden, Fiscal Controller; Edward Swaim, Chief, Water Resources Management Division; Tony Ramick, Supervisor; Lori Scott-Nakai, Public Relations; Todd Fugitt, Supervisor; and Pat Smith, Executive Assistant.

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

A list of guests is attached.

WATER RESOURCES MANAGEMENT DIVISION

Mr. Edward Swaim brought recommendations regarding the draft Arkansas Water Plan 2014 update Executive Summary before the Commission. He introduced Ms. Kelly Collins, with CDM Smith, to give an overview of the comments received during the public comment period.

Ms. Collins advised that the draft was available for public comment from June 30 to October 24, 2014. Thirty-four sets of comments were received, containing 293 specific comments. The comments were submitted by advocacy groups (32%), individuals (35%), agencies (26%), and corporations (9%). The comments were assigned to categories based on the content of the comment, and the results were documented in graph form.

Ms. Collins also showed a diagram of excess surface water calculations and other improved graphic design elements of the document.

Mr. Swaim presented three recommendations (See Attachment) from the Planning Team.

Planning Team Recommendation 1

Issue: Groundwater Decline

Mr. Swaim referenced page 9, left column, of the draft Executive Summary regarding well meters. Upon motion by David Feilke, second by Fred Fowlkes, the Commission approved rewording Page 9, Left Column, to read: "ANRC will seek opportunities to purchase, install, and read meters on selected alluvial wells".

Chairman Lamkin opened floor for discussion. There were no comments from the audience.

Mr. Carter requested that the Commission be polled on each recommendation as required by ANRC Rule 103.4, when a vote is not unanimous.

The vote for Recommendation 1 was as follows:

Commissioner Lamkin – Yes
Commissioner Anderson – Yes
Commissioner Fowlkes – Yes
Ann Cash – Yes
David Feilke – Yes
Jerry Hunton – Yes
Sloan Hampton - Yes

Commissioner Richardson - No
Commissioner Carter - No

Planning Team Recommendation 2

Issue: Excess Water

Mr. Swaim referenced page 13, left column, of the draft Executive Summary regarding excess water. Upon motion by Mr. Hampton, second by Ms. Cash, the Commission approved rewording Page 13 to read: "A deficit of legally available water has been identified within certain basins of the East Arkansas Water Resources Planning Region. The General Assembly should consider raising the 25 percent limitation for permitting excess surface water within these basins for nonriparian transfer upon completion of scientific studies in East Arkansas validating the need for an increase and confirming water is seasonably available to protect and sustain instream, riparian, and other uses specified in state law. Similar scientific analyses should be conducted in the remaining planning regions in this order: South-central, West-central, North, and Southwest. These studies will be conducted in collaboration with AGFC, ADEQ, ADH, and other state, regional, and local agencies with constitutional and statutory water management duties".

Chairman Lamkin opened floor for discussion. There were no comments from the audience.

The vote for Recommendation 2 was as follows:

Commissioner Lamkin – Yes
Commissioner Anderson – Yes
Commissioner Fowlkes – Yes
Ann Cash – Yes
David Feilke – Yes
Jerry Hunton – Yes
Sloan Hampton - Yes

Commissioner Richardson - Yes
Commissioner Carter - No

Planning Team Recommendation 3

Issue: Water Quality

Mr. Swaim referenced page 16, left column, of the draft Executive Summary regarding water quality. Upon motion by Mr. Richardson, second by Mr. Fowlkes, the Commission approved rewording Page 16 to read: "Encourage the General Assembly to require nutrient management plans for the application of poultry litter and animal manure throughout the state".

Chairman Lamkin opened floor for discussion. There were no comments from the audience.

The vote for Recommendation 3 was as follows:

Commissioner Lamkin – Yes
Commissioner Anderson – No
Commissioner Fowlkes – Yes
Ann Cash – No
David Feilke – No
Jerry Hunton – Yes
Sloan Hampton - No

Commissioner Richardson - Yes
Commissioner Carter - Yes

Mr. Swaim stated that he had no further business. Mr. Young advised that this was not the final action on the Water Plan. In December, the Commission will be asked to authorize staff to initiate the rulemaking process to formally adopt the Water Plan, which will entail conducting another round of meetings throughout the state. Finally, it will have to be approved by the General Assembly either as a whole or by committee.

Chairman Lamkin thanked everyone for attending today.

ADJOURN

There being no further business, the meeting was adjourned.

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

Date