



# Missouri Department of Natural Resources

## MINUTES MISSOURI SOIL AND WATER DISTRICTS COMMISSION DNR CONFERENCE CENTER JEFFERSON CITY, MISSOURI MARCH 10, 2010

**COMMISSION MEMBERS PRESENT:** Kathryn Braden, Thomas Bradley, Dan Devlin, Gary Vandiver and Richard Fordyce

**EX-OFFICIO MEMBERS:** DEAN THOMAS PAYNE, UNIV. OF MISSOURI: Dave Baker; BOB ZIEHMER, DEPT. OF CONSERVATION: John Knudsen; JON HAGLER, DEPT. OF AGRICULTURE: Judy Grundler; MARK TEMPLETON, DEPT. OF NATURAL RESOURCES: Davis Minton

**ADVISORY MEMBERS PRESENT: SOIL & WATER CONSERVATION PROGRAM:** Bryan Hopkins; NRCS: J R Flores; MASWCD: Steve Radcliff

**STAFF MEMBERS PRESENT:** Chrisi Armbruster, Milt Barr, Kurt Boeckmann, Jim Boschert, April Brandt, Allan Clarke, David Goggins, Jesse Higginbotham, Eric McGeorge, Colleen Meredith, Theresa Mueller, Jennifer Pellett, Hudson Peters, Jim Plassmeyer, Josh Poynor, Jeremy Redden, Jennifer Sieg, Judy Stinson, Ken Struempfler, Cody Tebbenkamp, Leon Thompson, Steven Walker, and Colette Weckenborg

**OTHERS PRESENT: DISTRICTS:** BOONE: Cindy Bowne; CALDWELL: Wendy Bowen, Regena Curnow; CLINTON: Teona Harris; COLE: Peggy Lemons; FRANKLIN: Lori Nowak; GASCONADE: Dennis Berger, Terry DuBois, Diana Mayfield; HOWARD: Bev Dometroch; LIVINGSTON: Debbie Gudgell; MARIES: Sandy Hutchison, Amy Neier; MONTGOMERY: Ann Whitehead; OREGON: Natalie Bland, Jason Kemper, Sarah Stubbs, Roger D. Shaw Jr; OSAGE: Cindy DeOrnellis; POLK: Roger Ankrom; PUTNAM: Britney Brundage; SHANNON: Nancy Burrus, Connie Holland, Wendell Smith, Cammie Younger; TEXAS: Kaven Keller; WARREN: Debbie Niederer; STATE OF MISSOURI: ATTORNEY GENERAL'S OFFICE: Jenny Fraizer; OTHERS: MO Farm Bureau: Kelly Smith; MLICA: Jeff Lance, Tom Lawly; MU Delta Center: Gene Stevens; NRCS: Dick Purcell

**NOTE:** The following is a general summary of the information presented at the commission meeting. For specific information on commission proceedings, please refer to the DVD/Video or Audio.

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### **A. CALL TO ORDER**

Chairman Richard Fordyce called the meeting to order, in Jefferson City, Missouri, at DNR Conference Center, at 8:32 a.m.

### **B. MINUTES OF THE LAST MEETING**

Thomas Bradley made a motion to approve the minutes of the January 13, 2010, commission meeting with changes as requested by Kathryn Braden. Gary Vandiver seconded the motion. When asked by the chair, Kathryn Braden, Thomas Bradley, Dan Devlin, Gary Vandiver, and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

### **C. DEPARTMENT OF NATURAL RESOURCES**

Davis Minton informed the commission that Mike Wells was out of state and that he would be filling in for him. Mr. Minton stated the state was in dire situation in regard to the budget.

### **D. SOIL AND WATER CONSERVATION PROGRAM DIRECTOR'S COMMENTS**

#### **1. Commission Meeting Recording: Audio/Video Web Presence**

Bryan Hopkins informed the commission that the minutes and the Web presence would be done in a different format. He stated the written minutes would be a general summary of the information presented at the meeting, but DVDs would be available upon request. He informed the commission that only audio would be on the Web. He stated that changes to the DVD and the Web were needed due to the time that it took to produce the information.

#### **2. 2010 Budget Rescissions**

Bryan Hopkins provided information regarding the rescissions made to the FY10 budget. He pointed out that the FY11 and FY12 budgets could possibly be more problematic than FY10. He stated that the program has started making changes to get ready for reduced revenues. He pointed out that next year's budget was reduced by \$4 million. He stated that \$2 million would be held back for midyear adjustments due to possible recession impacts. He stated the program could not wait until next year to adjust the budget, so the program was asked to implement a rescission. He proceeded to cover where the rescinded funds came from.

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### **3. Soil and Water Program Task Force**

Bran Hopkins provided an update on the status of the task force. He stated that the task force was needed even more now due to budget issues. He informed the commission that he had some meetings with David Baker. He stated that Mr. Baker would be a facilitator for the task force. He stated that he thought the task force would be able to look at long-term goals, efficiency goals, where the program was headed in five years and what adjustments would be needed to accomplish that. He stated the first task force meeting would need to look at staffing issues, but future meetings would be used to look at greater strategic goals. He informed the commission that some of the members of the task force that would be invited are MDC, Extension, MDA, NRCS, FSA, Employees Association, MASWCD, LICA, and Missouri Farm Bureau. He stated that it was suggested to have some farmers on the task force that have a perspective of the program. He stated that he thought some commodities groups should be contacted to see if they have an interest in the task force. He informed the commission that he thought that there needed to be a public hearing also.

### **4. Revenues/Expenditures Update**

Milt Barr presented an overview of the FY10 and FY11 budgets. He covered the Office of Administration's Budget and Planning Web site that outlined the budget information for FY10 and FY11. He informed the commission that the rescission included the following: \$2,000,000 from cost-share grants, \$110,000 from cost-allocation ITSD TRF, \$100,000 from conservation equipment incentive program, \$40,000 from soil and water research grants, and \$19,245 from soil and water conservation E & E for a total of \$2,269,245. Mr. Barr proceeded to cover the Governor's budget process.

### **5. Mississippi River Basin Initiative**

Bryan Hopkins presented an update on the Mississippi River Basin Initiative that is being overseen by NRCS. He stated that four districts had showed an interest in submitting proposals. He stated that in order to have a competitive proposal, the sponsor will have to have a way to monitor water quality. He stated that the proposals are due in May, but would not be selected until in the fall so the fiscal liability would not be this fiscal year.

### **6. Update on the Filing of Cost-Share Rules**

Bryan Hopkins updated the commission on the cost-share rules. He stated that the program had to review some of the rules. He stated the program had been asked to clarify some parts of the rules.

**7. Software Updates**

**a. Implementation of Qualifying Criteria**

April Brandt presented an update on the implementation of the qualifying criteria in MoSWIMS. She stated that MoSWIMS had been updated to include qualifying criteria questions. She stated the questions were designed to inform districts of inconsistencies that had been observed in the implementation of commission policies. The goal was to highlight common errors prior to the contract being finalized. She pointed out that district personnel still had the responsibility to adhere to all commission policies contained in the Cost-Share Handbook, because the questions did not encompass all commission policies. She stated that with this in place, it was the program's hope that this would reduce the program's review on a significant number of practices.

**b. District Timesheet**

Jim Plassmeyer presented an overview of the time reporting software. He stated that the four pilot districts are: Bollinger, Butler, Ray and Saline. He stated there are 13 employees testing the timesheets since mid December. Mr. Plassmeyer informed the commission that the districts' comments on the time reporting software have been very beneficial. He stated that testing would continue until the program is ready for production.

**c. CMT/Toolkit Strategy**

Ken Struempf presented an update on the CMT/Toolkit strategy that staff had been working on. He informed the commission that staff has been working closely with Missouri's NRCS on options to be able to utilize a plug-in tool to keep all the farm programs in one database.

**8. Research Update: Nitrogen Fertilization for Sprinkler Irrigated Rice**

Colleen Meredith reminded the commission that in March of 2008 they approved research for nitrogen fertilization for sprinkler-irrigated rice. She introduced Dr. Gene Steven from the University of Missouri Delta Research Center who gave a presentation on the research.

Dr. Steven proceeded to cover the research project.

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### **9. Nutrient and Pest Management Practice Policy Review Comments due March 31<sup>st</sup>**

Kurt Boeckmann presented an update on the status of the comment period for Nutrient and Pest Management Practices and Waste Utilization. He reminded the commission that in January they asked for a comment period for the practices. He stated the target date to have some new policies for these incentive practices was July 1. He informed the commission that the comment period was open for districts to comment on the practices. He stated that he had received a few suggestions, but hoped there would be more.

## **E. REVIEW/EVALUATION**

### **1. District Operations Section**

#### **a. District Support**

##### **1. FY10 Cost-Share Fund Status Review**

Colette Weckenborg presented an update on the FY10 cost-share fund status. She stated that as of March 5, 2010, the total obligated for FY10 is \$21.1. She pointed out that there was another \$1.9 million pending board approval. An additional \$1.5 million of FY09 contracts received after the SAM II deadline (June 26) were paid from the FY10 Appropriation. She stated the current appropriation for FY10 regular cost share is \$24 million.

Ms. Weckenborg stated that as of March 5, 41 districts have requested a total of \$1,320,271.60 for FY11 advance cost share allocation.

Next Ms. Weckenborg informed the commission the obligations for the FY10 SALT program were \$4.7 million, of that \$2.4 million has been paid. An additional \$ .7 million paid from the FY10 appropriation includes both MoCREP payments and FY09 contracts received after the SAM II deadline. This brings the total liability for the SALT program to \$5.5 million dollars. She reminded the commission that the SALT appropriation for FY10 is \$4.6 million.

She showed the commission information depicting the amount allocated for FY11 SALT, as of March 5, 2010, which totaled \$233,887.47; of that amount, \$199,266.77 had been obligated.

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### **2. FY11 Cost-Share Allocation Adjustment Requests**

#### **a. Putnam SWCD**

Britney Brundage from Putnam SWCD presented a request to remove \$5,000 from Use Exclusion and move it to Woodland Erosion. She stated that during the planning process they planned for that amount in the Sensitive Areas. She stated that they were asking the commission to allow them to move a portion of their funds to help cover the Use Exclusion for the landowner that they were working with. She pointed out that they asked for the funds in the wrong area. They asked for the funds in the Sensitive Area, instead of where it should have been in the Woodland Erosion.

Kathryn Braden made a motion to maintain current policy throughout the end of this year and not bring anything new up before the end of the year. Failing to receive a second, the motion died.

### **F. CLOSED SESSION:**

Kathryn Braden made a motion to go into closed session to discuss legal, confidential, or privileged matters under § 610.021(1), RSMo 2000; audit issues under § 610.021(17). Gary Vandiver seconded the motion. A poll vote was taken to go into closed session. Kathryn Braden, Thomas Bradley, Dan Devlin, Gary Vandiver, and Richard Fordyce voted in favor of the motion and the motion passed unanimously.

### **G. MINUTES OF THE LAST MEETING**

Kathryn Braden made a motion to approve the closed minutes of the January 13, 2010, commission meeting as presented. Dan Devlin seconded the motion. When asked by the chair, Kathryn Braden, Thomas Bradley, Dan Devlin, Gary Vandiver, and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

### **H. REVIEW/EVALUATION (Continued)**

#### **1. District Operation Section**

##### **a. District Support**

##### **1. FY 2011 Cost Share Allocation Adjustment Requests**

Jim Plassmeyer provided the commission with some background information pertaining to Gasconade and Oregon SWCDs requests. He stated that the FY10 initial appropriation was \$26 million and

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the FY11 proposed appropriation was \$24 million. He stated the initial FY10 allocation was \$26.2 million and in January, the commission approved an FY11 initial allocation of \$21.1 million, which was 19.5 percent less than the FY10 initial allocation. He pointed out that the FY11 initial allocation did not include funding for Nutrient and Pest Management, but the FY10 did. Mr. Plassmeyer provided a summary of the FY11 allocation process.

**a. Gasconade SWCD**

Diana Mayfield presented a request to adjust their FY11 allocation. Ms. Mayfield presented some history of the Gasconade SWCD, the FY11 allocation process, statewide funding comparison to FY10, and statewide diversity. Next, Ms. Mayfield covered some of Gasconade County stats for FY10 and FY11, as well as board suggestions.

Terry DuBois also from Gasconade SWCD stated that he supported Ms. Mayfield's request, but he wanted to provide a different viewpoint. Mr. DuBois provided additional information for the request.

**b. Oregon SWCD**

Sarah Stubbs from Oregon SWCD presented concerns regarding how cost-share funds are distributed. Ms. Stubbs provided information on the amount of funds allocated and claimed in Oregon SWCD from 2001 to 2009. She informed the commission that they had a landowner meeting and the landowners indicated what practices would benefit their farms and the district used the survey to complete the FY11 Needs Assessment. She proceeded to cover the amount needed to do the practices.

After some discussion on the issue, Kathryn Braden made a motion to deny the Putman request. Dan Devlin seconded the motion. When asked by the chair, Kathryn Braden, Thomas Bradley, Dan Devlin, Gary Vandiver and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

Gary Vandiver made a motion to deny the Gasconade request. Thomas Bradley seconded the motion. When asked by the chair, Kathryn Braden, Thomas Bradley, Dan Devlin, Gary Vandiver and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

Kathryn Braden made a motion to deny the Oregon request. Thomas Bradley seconded the motion. When asked by the chair, Kathryn Braden, Thomas Bradley, Dan Devlin, Gary Vandiver and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

NOTE: Kathryn Braden had to leave the meeting after the motions were voted on.

**2. Brief Review of Election Policy and Rules**

Jim Plassmeyer presented a review of the election policies and rules. He proceeded to cover the current rules. It was pointed out that the rules were in the State Code of Regulations that was in place since the mid 1980s. He stated that the program was now starting to receive questions regarding clarification of the policies and rules, since district elections were now taking place. Next Mr. Plassmeyer covered the commission's policies that became effective July 1, 2009.

**a. Grant Reimbursement Consideration**

Jim Boschert presented specific district election expense questions for the commission to provide additional clarification. He stated that during the quarterly report reviews, the program found items that did not follow commission policy. Mr. Boschert proceeded to cover the specific expenses for Franklin, Douglas, Caldwell and Stone SWCDs.

Thomas Bradley made a motion to deny election expense reimbursements for Franklin and Caldwell SWCDs. Dan Devlin seconded the motion. When asked by the chair, Thomas Bradley, Dan Devlin, Gary Vandiver and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

Next Mr. Boschert covered some questions that had been received from the districts regarding election procedures. He stated the questions received were as follows: if the second advertisement was a part of a newsletter, could the district be reimbursed for a portion of newsletter expense and do the polls have to be open continuously from noon to 6:00 pm. He stated the reason for the question was that some districts close the polls for a short period to allow

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them to move the ballot box to the location of their Annual Meeting and then reopen the polls. He stated another question was if a district did not do step one of the process, the first advertisement, would they still be eligible for reimbursement for the other steps in the process.

It was asked that concerns be compiled and presented to the commission for discussion at the next meeting.

### **I. REPORTS**

#### **1. Department of Conservation**

John Knudsen reported that Mr. Tom Draper had filled the assistant director position. Mr. Knudsen stated that Mr. Draper would be overseeing all of the resource divisions.

#### **2. NRCS**

JR Flores reminded everyone that other states envy Missouri for the soil and water program that the state has. He stated the budget for NRCS was tight, but they are not planning to impose any freezes but vacant positions are being reviewed prior to being filled. He provided a short update on the Mississippi River Basin Initiative. Mr. Flores informed the commission that NRCS would be celebrating their 75<sup>th</sup> anniversary on April 27. He also provided a short update on the American Recovery and Reinvestment Act.

#### **3. MASWCD**

Steve Radcliff informed the commission about calls he had received regarding a perceived conflict of interest that took place at the last commission meeting. He stated that he did not know how the AG could assist or address the issue. Jenny Fraizer from the AGO stated that she would inform Tim Duggan of the issue for him to address.

Mr. Radcliff reiterated that the districts need flexibility.

### **J. PUBLIC COMMENTS**

Bev Dometroch from Howard SWCD informed the commission of some issues that have recently came up that the districts were not clear on, one such issue was mileage reimbursement.

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Sandy Hutchison from Maries SWCD reiterated that Bryan Hopkins and she had been in contact regarding what can or cannot be done on work time.

**K. SUGGESTED DATE (S) OF NEXT MEETINGS**

The next scheduled meeting is May 12, 2010, Columbia, if possible.

**L. ADJOURNMENT**

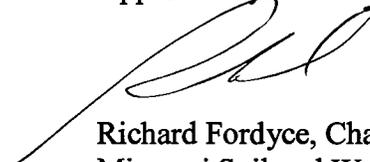
Gary Vandiver moved the meeting be adjourned. Dan Devlin seconded the motion. Motion approved by consensus at 4:37 p.m.

Respectfully submitted,



Bryan T. Hopkins, Program Director  
Soil and Water Conservation Program

Approved by:



Richard Fordyce, Chairman  
Missouri Soil and Water Districts Commission

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