



# Missouri Department of Natural Resources

## MINUTES

### MISSOURI SOIL AND WATER DISTRICTS COMMISSION

DNR Conference Center

Jefferson City, Missouri

May 9, 2012

**COMMISSION MEMBERS PRESENT:** Kathryn Braden, Thomas Bradley, Richard Fordyce, and Charles Ausfahl

**EX-OFFICIO MEMBERS:** JON HAGLER, DEPT. OF AGRICULTURE: Judy Grundler; BOB ZIEHMER, DEPT. OF CONSERVATION: Clint Dalbom; SARA PARKER PAULEY, DEPT. OF NATURAL RESOURCES: Leanne Tippet Mosby

**ADVISORY MEMBERS PRESENT: SOIL & WATER CONSERVATION PROGRAM:** Colleen Meredith; NRCS: J.R. Flores; MASWCD: Steve Radcliff

**STAFF MEMBERS PRESENT:** Kurt Boeckmann, Jim Boschert, April Brandt, Kerry Cordray, Alan Freeman, Jesse Higginbotham, Katy Holmer, Jeremia Markway, Christa Moody, Jennifer Pellett, James Plassmeyer, Josh Poynor, Jeremy Redden, Ken Struempf, Cody Tebbenkamp, Leon Thompson, Bill Wilson, Colette Weckenborg, Charlie Hansen, Matt Elliott, Patricia Chapman

**OTHERS PRESENT: DISTRICTS:** Cole: Peggy Lemons; Livingston: David Morris; Osage: Colby Nilges; St. Louis: Richard Hoelscher; MISSOURI FARM BUREAU: Kelly Smith; DEPARTMENT OF NATURAL RESOURCES: Darrick Steen; Bryan Hopkins, Joe Englen, Andrea Kleithermes; ATTORNEY GENERAL'S OFFICE: Tim Duggan; MASWCD: Kenny Lovelace; MSWCDEA: Sandy Hutchison; MLICA: Jeff Lance;

#### A. CALL TO ORDER

Chairman Richard Fordyce called the meeting to order, in Jefferson City, Missouri, at the DNR Conference Center at 8:00 a.m. Poll of Commission members was taken: Kathryn Braden, Charles Ausfahl, Thomas Bradley and Richard Fordyce, were present, which made a quorum.

#### B. CLOSED SESSION

Kathryn Braden made a motion to go into closed session at 8:02 am, pursuant to § 610.021(1) to discuss legal, confidential, or privileged matters; §610.021 (17) to discuss audit issues, and personnel actions under §610.021(3). Charles Ausfahl seconded the motion. A poll vote was taken. Charles Ausfahl, Richard Fordyce, Thomas Bradley, and Kathryn Braden voted in favor of the motion and the motion passed unanimously.

**C. MINUTES OF THE LAST MEETING**

**1. March 20 & 21, 2012 Open Session Minutes**

Kathryn Braden made a motion to approve the minutes of the March 20, 2012 and March 21, 2012 Commission meeting. Thomas Bradley seconded the motion. When asked by the chair, Charles Ausfahl, Thomas Bradley, Richard Fordyce, and Kathryn Braden voted in favor of the motion and the motion carried unanimously.

**2. March 20, 2012 Closed Session Minutes**

Kathryn Braden made a motion to approve the closed minutes of the March 20, 2012 Commission meeting. Charles Ausfahl seconded the motion. When asked by the chair, Thomas Bradley, Charles Ausfahl, Richard Fordyce, and Kathryn Braden voted in favor of the motion and the motion carried unanimously.

**D. STATUS UPDATE ON THE ROLES & RESPONSIBILITIES FROM ATTORNEY GENERAL'S OFFICE**

Tim Duggan presented the status update on the Roles & Responsibilities Opinion document from the Attorney General's office. Richard Fordyce sent a letter in November 2011 requesting legal guidance on the roles and responsibilities of the Soil and Water Conservation Districts Commission, the Soil and Water Districts' Board of Supervisors, and Department, with regard to budgetary, personnel, policy development and audit related issues. Mr. Duggan stated that he was working on this issue for Commissioner Fordyce when he became aware of a similar request sent by Representative Cauthorn in September 2011. The Attorney General's office has authority under Chapter 27 of the Missouri Revised Statutes to issue opinions when requested by certain officials. Those opinions have a certain formality to them. They can be issued as informal opinion letters or official opinions of the Attorney General and they may be published as such. However, they have no force and effect of law as legal opinions.

It was determined by Mr. Duggan's management that, due to his close working relationship with the Soil and Water Districts Commission and the Department of Natural Resources, someone other than he should write this opinion to give this issue a more objective review. Also, it was determined that the response would be directed to Representative Cauthorn and that this response is meant to cover both requests; the Attorney General's Office will not be issuing a separate response to Mr. Fordyce's letter. Mr. Duggan said that he would check to see whether the response to Representative Cauthorn will be posted on the Attorney General's internet website and that he will report back to the Commission. Mr. Duggan provided a summary of the document to the Commission.

**E. PLAN FOR THE FUTURE**

Colleen Meredith stated the Plan for the Future completed in 2005 would be a good starting point to build on. Ms. Meredith requested the Commission concurrence on creating a steering committee and she listed possible committee members. The responsibilities of the steering committee would be to: develop mission, goals, objectives;

organize structure and tasks for subcommittees; guide the planning process through input from subcommittee expertise; and create a plan for public comment and adoption by Commission. The Commission gave their general consent to Colleen Meredith's plan to create a steering committee.

**F. DEPARTMENT OF NATURAL RESOURCES**

**1. Special Recognition**

Richard Fordyce recognized Bryan Hopkins for his time as the Soil and Water Conservation Program Director. Bryan Hopkins thanked the Commission for the leadership and the ease in working with this Commission as well as the staff.

**2. Legislative Updates**

Leanne Tippett Mosby, Deputy Director Natural Resources, presented and update on budget and legislation, and indicated that she was pleased to be working with the Commission.

**G. SOIL AND WATER CONSERVATION PROGRAM DIRECTOR'S COMMENT**

**1. Cooperative Working Agreement Update**

Katy Holmer presented an update on the Cooperative Working Agreement between partners. Representatives from Natural Resources Conservation Service (NRCS), Missouri Association of Soil and Water Conservation Districts (MASWCD), and Soil and Water District Employees Association (MSWCDEA), the Soil and Water Districts Commission, and the Department have met three times on development of a new cooperative working agreement. The partners have worked to develop a draft that the Commission, NRCS, and Department can sign and send out to each district for their participation in the agreement. The Associations have represented the district boards and staff in these meetings and believe that district concerns have been addressed by the committee. Ms. Holmer presented some of the comments that the districts made and the committee responses. Some of the comments were pending an update from the Attorney General's office regarding the roles and responsibilities of the partners.

Once the roles and responsibilities have been determined, the committee will finalize the agreement so all of the partners can sign the Cooperative Working Agreement.

**2. Fiscal Year (FY) 2012 Cost-Share/SALT Fund Status**

April Brandt presented and update on the FY 2012 Cost-Share/SALT fund status. This year \$31.6 million was allocated. Of the \$31.6 million allocated eighty-three percent of the allocation or \$26.3 million has been obligated. To date \$17.4 million of 54 percent paid.

For the AgNPS SALT, \$2.4 million is allocated, with 71 percent or \$1.7 million obligated and 48 percent or \$1.1 million paid to date.

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Ms. Brandt listed important dates related to end-of-year procedures for cost-share. May 25, 2012 is the last day in which districts can submit FY12 contracts to the program office for contract review. Missouri Soil and Water Information Management System (MoSWIMS) will then be locked down; new FY12 contracts cannot be submitted to the program office after that date.

June 1, 2012 MoSWIMS will be locked down to load the FY13 cost-share allocations. This will allow districts to complete termination date extensions for contracts that are started but unable to be completed by the June 15, 2012 deadline.

All contract payments to be paid this FY must be at the status of PEND PO FIN on the Contract Event Lookup screen in MoSWIMS on June 15, 2012.

MoSWIMS will be locked down for statewide rollover on June 29, 2012. It is anticipated that MoSWIMS will be unlocked on July 3, 2012.

**3. FY 2013 District Grants**

**a. Reimbursement of Professional Accounting Services**

Jim Boschert presented Reimbursement of Professional Accounting Services. Mr. Boschert requested input from the Commission in regards to providing funds to districts that choose to reimburse a professional accounting service for completing their payroll and bank reconciliation process. The Soil and Water District (SWCD) Boards would maintain authority and responsibility for accountability of all district funds. This is in response to several audit findings related to payroll and bank reconciliations.

Mr. Boschert reviewed the benefits to the SWCD districts having a professional accounting service handle the payroll and taxes. He also presented the results from the survey. The reimbursement would be voluntary with the estimated cost to be \$1,000 - \$1,500 per district, per year.

Sandy Hutchison addressed the Commission. She stated that she had received a few calls on this issue and was told the employees felt this was part of their job.

**b. Information Education Grant**

Jim Boschert presented possible changes to the Information Education Grant. Current allocation is based on 25 cents per student in grades 3-6 and 9-12 in public schools in the county. The minimum a district receives is \$250 and the maximum is \$10,000. Thirteen districts did not spend any of their Information Education (Info. Ed) grant and 56 had funds remaining. Sandy Hutchison responded to some of the districts not spending the Info. Ed funds. Mr. Boschert presented four options to consider: keep the current process, divide the funds evenly among the 114 districts, distribute a set amount to most districts and then divide the

remaining funds to the more populated areas of the state, and develop a competitive grant process. Jim Boschert also presented the survey results sent in by the districts.

After discussion, the commission requested a conference call meeting be scheduled in June to receive the final survey responses and make a determination before the end of the fiscal year.

**4. Field Practice Reviews**

Kurt Boeckmann presented the Field Practice Reviews. He presented background information of field practice reviews. Beginning in May, program staff will begin FY12 reviews on seeding practices with the addition of DSL-04 Terraces, DSL-44 Terraces with Tile, DWP-03 Sod Waterway, DFR-05 Woodland Protection through Livestock Exclusion, and N472 Use Exclusion. The process for field practice reviews will include: minimum of three contracts (FY 2010-2011) from each practice that are randomly chosen, file review for each contract to verify correct documentation is in place, field visit conducted for each contract to check project implementation of commission policies, and a letter addressed to the Board of Supervisors summarizing the findings.

**H. REQUESTS/REVIEW**

**1. Supervisor Appointment**

**a. Dent SWCD**

Jesse Higginbotham presented the Dent Soil and Water Conservation District (SWCD) supervisor appointment. The Dent SWCD would like to appoint Mr. Paul Heithold to the board of supervisors, to fill the position vacated by Harold Martin who passed away April 7, 2012.

Kathryn Braden made a motion to approve Mr. Paul Heithold to the Dent Board of Supervisors. Thomas Bradley seconded the motion. A poll vote was taken. Charles Ausfahl, Thomas Bradley, Kathryn Braden and Richard Fordyce voted in favor of the motion and the motion passed unanimously.

**2. Practice Policy Review – DFR-5 Woodland Protection through Livestock Exclusion / N742 Use Exclusion**

Alan Freeman presented the Practice Policy review timeline for the DFR-5 Woodland Protection through Livestock Exclusions and N472 Use Exclusion practices. The purpose of the DFR-05 Woodland Protection through Livestock Exclusion practice is to protect soil and plant resources from grazing by livestock. It applies to existing woodland areas susceptible to excessive erosion due to livestock grazing, and cost-share is authorized for exclusionary fencing within an existing functional interior or property line fence and has a ten year maintenance life.

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The N472 Use Exclusion practice is to protect soil and plant resources from grazing by livestock and applies to areas where vegetative establishment, soil condition, and water quality are in need of protection. Cost-share is authorized for a one-time incentive for the excluded area at five dollars an acre, exclusionary fencing and exclusion of an existing pond with a ten year maintenance life.

Alan Freeman presented the similarities and the differences between these two practices and the proposed timeline for these practice reviews if approved for review.

For Commission consideration: Authorize program staff to initiate a practice policy review and possible merge of the DFR-5 and N472 practices, utilizing the timeline presented.

After discussion, Thomas Bradley made a motion to approve the authorization of the program staff to initiate a practice policy review and possible merge of the DFR-05 and N472 practices, utilizing the timeline presented and submitting the final revisions to the Commission at the September 2012 meeting. Charles Ausfahl seconded the motion. A poll vote was taken. Kathryn Braden, Charles Ausfahl, Thomas Bradley, and Richard Fordyce voted in favor of the motion and the motion passed unanimously.

### I. APPEALS

- 1. Madison SWCD Site Eligibility for DWC-1 Water Impoundment Reservoir**  
Kurt Boeckmann presented the Madison SWCD DWC-1 site eligibility for Water Impoundment Reservoir appeal. DWC-1 Pond Eligibility Policies require: agricultural activity around the proposed site, construction of the pond site cannot be in dense forest cover, and clearing the site prior to eligibility approval is not allowable. This sequence is needed so the erosion rates can be properly determined prior to beginning construction.

Mr. Boeckmann provided a brief chronology of events. On March 9, 2012 a contract was submitted for review for a DWC-1 and denied based on the 2010 imagery of the CMT map illustrating dense forest cover. On March 22, 2012 the contract was again submitted with a request for a site visit. It was put on hold pending a site visit for review. The site visit, conducted March 29, 2012, showed the pond site was in the process of being cleared for firewood. Only the pool area had been partially cleared at the time of the site visit.

Madison SWCD is appealing the denial of a landowner's eligibility of a DWC-1 Water Impoundment Reservoir.

For Commission consideration: Deny Madison SWCD appeal and maintain Commission policy on the proposed DWC-1 contract.

After discussion with the landowner, Dennis Sullivan, Charles Ausfahl made a motion to deny the Madison SWCD appeal. Kathryn Braden seconded the motion. A poll vote was taken. Thomas Bradley, Kathryn Braden, Charles Ausfahl, and Richard Fordyce voted in favor of the motion and the motion passed unanimously.

## **J. REPORTS**

### **1. NRCS**

J.R. Flores presented the NRCS report to the Commission. He updated the Commission on the status of the Farm Bill. The USDA will be celebrating 150<sup>th</sup> Anniversary in May, with many national activities planned.

The National Water Quality Initiative was announced. There are three priority watersheds here in Missouri that have been approved. Missouri has received \$701,000 dollars for the three watersheds.

J. R. Flores also updated the Commission on the Emergency Watershed Protection Program. Missouri received \$30 million dollars to address flooding issues.

Mr. Flores stated that the only office at this time that will be closing is Dexter Soil Survey office. There are not any plans to close any other offices this year.

Field Office of the Future will be looking at: what should the offices look like, how do they function, how is NRCS going to focus resources, and also design the most effective delivery system. There is a planning session scheduled for May 22, 2012 in Columbia.

### **2. MASWCD**

Steve Radcliff presented the questionnaire results sent out by MASWCD requesting input on: Info. Ed. Grants, Matching Grants, Program Specialist training, and outsourcing payroll duties. The questionnaire went out to all the districts with 75 responding. The complete report is posted on the MASWCD internet page.

Mr. Radcliff stated he is working with the Program office to set up the Area Meetings after the State Fair and have them completed before Labor Day weekend.

### **3. University of Missouri**

Dave Baker presented updates on the University of Missouri Extension budget. There is an estimated 7.8 percent budget cut.

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At the end of August a new beef model will be rolled out that have numerous implications for the state. The budget impact to the beef industry will be \$90 - \$120 million in additional value.

Dave Baker invited everyone to join in at the State Fair Farm Family day. Currently there are one hundred and eleven families from around the state that will attend.

#### **4. Department of Conservation**

Clint Dalbom presented updates on Department of Conservation budget, turkey season, free fishing days, Joplin Tree planting effort, and the Peregrine Falcon Web Camera.

#### **5. Department of Agriculture**

Judy Grundler presented updates on army worm alerts, Gypsy moth trapping, Boll Weevil traps, looking at reviews for pesticide applicator training, and photo contest for the Missouri State Fair.

### **K. NEXT MEETING DATE**

The next scheduled meeting is July 11, 2012, in Jefferson City at the DNR Conference Center.

Note: Charles Ausfahl left the meeting at this time.

### **L. NEW BUSINESS**

Joe Englen facilitated the process assessment or program review for the Soil and Water Conservation Program. The assessments are being done in a number of programs, including the Soil and Water Conservation Program. Each assessment looks at processes in a specific program to find ways to improve service, maximize staff time for purposes central to the Department's mission, and save money.

The Assessment Team asked key stakeholders external to the SWCP to identify, sort, and prioritize ideas during the session that lasted approximately 2 hours. The stakeholders' session for the Soil and Water Conservation Program included the Soil and Water Districts Commission, MASWCD (Steve Radcliff), MSWCDEA (Sandy Hutchison), NRCS (J.R. Flores), Farm Bureau (Kelly Smith), LICA (Jeff Lance), University of Missouri Extension (Dave Baker), Department of Conservation (Clint Dalbom), Conservation Federation (Gary Vandavelde), and Department of Agriculture (Judy Grundler).

The focus of the exercise is to improve the program's operation. Once all of the ideas were presented in the session, the facilitation team worked with the participants to sort all ideas into groups of similar ideas. Each participant voted for those ideas that he or she thought should be the highest priority. All ideas suggested through this exercise will be

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compiled in a report to management that focuses on the highest priorities, but will also contain all suggested improvements. The final report will be shared with all participants in the session.

**M. ADJOURNMENT**

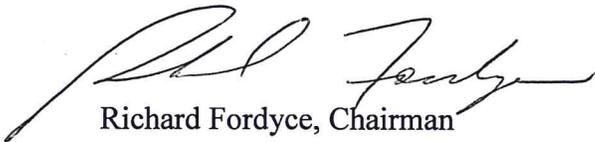
Kathryn Braden moved the meeting be adjourned. Due to a lack of quorum the meeting was adjourned at 3:15 p.m.

Respectfully submitted,



Colleen Meredith, Director  
Soil and Water Conservation Program

Approved by:



Richard Fordyce, Chairman  
Missouri Soil and Water Districts Commission

/clm