



Missouri Department of Natural Resources

MINUTES

MISSOURI SOIL AND WATER DISTRICTS COMMISSION

DNR Conference Center

Jefferson City, Missouri

May 11, 2011

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

EX-OFFICIO MEMBERS: ATTORNEY OF GENERAL'S OFFICE: Tim Duggan,
DEPT. OF CONSERVATION: Clint Dalbom

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

STAFF MEMBERS PRESENT: Chrisi Armbruster, Lori Bax, Jim Boschert, Kerry Cordray, Alan Freeman, David Goggins, Katy Holmer, Eric McGeorge, James Plassmeyer, Judy Stinson, Ken Struempf, Cody Tebbenkamp, Leon Thompson, Bill Wilson

OTHERS PRESENT: DISTRICTS: Carter: Michael S. Kelley; Cole: Peggy Lemons; Jefferson: George Engelbach, Montgomery: Ann Whitehead; Osage: Cindy DeOrnellis; St. Charles: Frankie Coleman; Wright: Cody Whorton, Wesley Lebahn; **STATE OF MISSOURI: DEPARTMENT OF NATURAL RESOURCES:** Scott Totten, Van Beydler; **OTHERS:** USDA-NRCS: Mari Gilford; MSWCDEA: Sandy Hutchison; MASWCD: Bev Dometorch, Kenny Lovelace

A. CALL TO ORDER

Chairman Richard Fordyce called the meeting to order in Jefferson City, Missouri, at the DNR Conference Center at 10:05 am. Chairman Fordyce asked Tom Bradley to give an update on the flooding situation in Southeast Missouri. He proceeded to update the commission on the flooding. He stated that the actual damage would not be known until the water receded. He also stated that they had a lot of scouring.

Bryan Hopkins reminded the commission and audience that the meeting would be streamed live on the web.

Mike Wells stated the Department would work with their partners to do what they can to help the flooded areas of the state.

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B. MINUTES OF THE LAST MEETING

Steve Radcliff stated that the minutes did not have a starting or ending time listed for the closed session, Item G. He also stated that in the afternoon, there was no quorum and that was not listed in the minutes. Richard Fordyce tabled this item until the minutes could be corrected and brought back to the next meeting.

There were closed minutes from the March 9, 2011, commission meeting. Kathryn Braden made a motion to approve the closed session minutes as submitted. Tom Bradley seconded the motion. When asked by the chair, Charles Ausfahl, Kathryn Braden, Thomas Bradley, Gary Vandiver and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

C. MISSOURI DEPARTMENT OF NATURAL RESOURCES

Mike Wells reported to the commission that this was the last week of the legislative session and that the Department's budget bills were passed by the General Assembly last week.

D. SOIL AND WATER CONSERVATION PROGRAM DIRECTOR'S COMMENTS

1. Fiscal Year (FY) 2011 and FY13 Soil and Water Conservation Program Budget Update

Bryan Hopkins reported that the program's budget was approved and that they were moving forward on what was laid out. He stated that we would begin to develop the 2013 budget this fall. He informed the commission that the Sales Tax is the heart and soul of the program and reviewed with the commission the current sales tax revenues for this fiscal year. The Soil Sales tax revenues are still down around 10 percent from historical revenue highs.

2. Cost-Share and AgNPS SALT Fund Status Update

Ken Struempf presented an update on the program's obligations for the Regular cost-share and SALT funds. The Cost Share Allocation was \$30.3 million with \$27.1 million committed for contract payments for FY 2011. The SALT Allocation was \$3.1 million with \$2.3 million committed for contract payments.

3. Workgroup Meeting Update

Bryan Hopkins informed the commission that there was a workgroup meeting on cross training of districts. He stated that they needed to have another meeting to discuss how to go forward with this information. The next workgroup would be to discuss marketing of the Soil and Water Conservation Program.

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4. **Timesheet Implementation**

Jim Plassmeyer provided the commission with an update on the timesheet software implementation. He stated 33 districts were working in the system as of April 25, 2011 and staff will be working with another group of 35-40 districts on inputting data in the system in the next couple of weeks.

5. **State Audit of the Program**

Bill Wilson informed the commission that program staff has given preliminary information to the state auditors and that they are currently working with State Parks. He stated that the auditors would be visiting some districts during the audit. He pointed out this process occurs every few years and the audit looks at the total operation of the Soil and Water Conservation Program. He stated that the last program audit of this type was presented in 2003.

6. **Update on SWCD Contract Audit Process**

Jim Boschert gave a report to the commission on the contract audit process. He stated there were 27 districts audited in the first year with 16 districts already having draft audit reports prepared by the contractor. He informed the commission that there were four districts that have received a final audit from the contractor. He stated the average cost for these audits is \$8,555. He stated that at the July commission meeting, a summary of the common findings in these audits would be presented.

E. **REVIEW/EVALUATION**

1. **District Operation Section**

a. **District Support**

1. **WQ10 (Stream Protection Practice)-Comments and Review of Draft Policy**

Alan Freeman presented a report to the commission on the practice policy review of the WQ10 Stream Protection Practice. He stated the goal of the review was to provide uniformity, maintain accountability, clarify policy and update the policy based on comments received. He stated most of the comments submitted were directed towards the practice applicability statement and the out-of-production incentive.

Staff recommendation was the approval of the WQ10 policy as provided in order to allow appropriate planning by a district; the recommendations are that the new policy take effect for FY13

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contracts and serve as guidance for the remainder of FY12 contracts.

After discussion, Gary Vandiver made a motion to accept the staff recommendation. Thomas Bradley seconded the motion. When asked by the chair, Charles Ausfahl, Kathryn Braden, Thomas Bradley, Gary Vandiver and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

2. **Henry Soil and Water Conservation District (SWCD) – Landowner Maintenance Violation on Seeding Practices**
Cody Tebbenkamp reported that a landowner in Henry SWCD had a maintenance violation. Deepwater Seeds LLC, C/O Wayne Vassar owes \$14,473.28 back to the state on two contracts for not maintaining permanent vegetative cover as stated in the contract. When Mr. Vassar was contacted by the district, he told the district he was no longer the owner of the property. Prior to the land selling, the district told Mr. Vassar that he could record maintenance agreements for the contracts which he declined to record. The new property owner is row cropping the ground.

Mr. Tebbenkamp stated the district asked for repayment and Mr. Vassar wrote the board a letter asking to attend the next board meeting. Mr. Tebbenkamp pointed out that Mr. Vassar never attended that meeting. The program office has since sent Mr. Vassar a letter in February 2011 asking for repayment within 30 days. Mr. Tebbenkamp informed the commission that Mr. Vassar has yet to make payment.

Staff recommended that the commission turn the issue over to the Missouri Attorney General for recovery of funds and any other violations for Mr. Vassar.

After discussion, Kathryn Braden made a motion to accept the staff recommendation. Gary Vandiver seconded the motion. When asked by the chair, Charles Ausfahl, Kathryn Braden, Thomas Bradley, Gary Vandiver and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

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3. **Carter SWCD – Request for variance to exceed \$10,000 limit on DWC-1 Water Impoundment Structure**

Ken Struempf reported to the commission that the program office received a request for a variance to exceed the DWC-1 policy of \$10,000 limitation per pond. Mr. Struempf reported that a review conducted by NRCS Area office showed the cubic yards of earthwork moved on the project closely matched the yardage estimate on the original contract.

Staff recommended that the DWC-1 policy receive no more than the maximum amount of \$10,000.

After discussion, Gary Vandiver made a motion to accept the staff recommendation. Kathryn Braden seconded the motion. When asked by the chair, Charles Ausfahl, Kathryn Braden, Thomas Bradley, Gary Vandiver and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

F. **REPORTS**

1. **DEPARTMENT OF CONSERVATION**

Clint Dalbom announced that Missouri now has elk. He stated that as of May 5, 2011, 34 elk were brought to Peck Ranch Conservation Area. He stated that the Department of Conservation had done a black bear study in the southwest Ozarks and are looking at conducting one east in the next year.

2. **NRCS**

JR Flores introduced Mari Gilford. Ms. Gilford gave a presentation to the commission on State Resource Assessment. After the presentation, JR updated the commission on the NRCS budget. He stated that the RC&D offices would be shut down within the next 30 days due to budget cuts. He stated that the watershed work was also zeroed out and because of this, 25-30 employees would not be supported through these programs. He stated that the Strategic Watershed Action Team is partnering with DNR and that there is \$345,000 for technical assistance for projects. He informed the commission that more information would be forthcoming. He stated that NRCS would be attending several meetings in Southeast Missouri along with other partners to discuss the flooding.

3. **MASWCD**

Steve Radcliff stated that the association had met and that Area Meetings were discussed. He stated that this year the area directors would be taking care of the meeting arrangements. He informed that commission that the training conference

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was also discussed and they are currently working on speakers. He stated that the districts have some internet programs that cannot be accessed through DNR machines and this is an issue that will need to be addressed. The editorial from the Missouri Ruralist was also discussed. Mr. Radcliff asked if there was a grievance policy in effect if there was a problem between a district/supervisor and DNR program staff. Mike Wells advised the commission that if the employee was a DNR employee they were to contact the DNR Director about the grievance.

G. PUBLIC COMMENTS

Beverly Dometorch addressed the commission regarding some concerns she had from the districts in her area.

H. SUGGESTED DATE(S) OF NEXT MEETINGS

The next scheduled meeting is July 13, 2011, in Jefferson City at the DNR Conference Center.

Mike Wells was recognized for his years of service to DNR and to the commission and he will be retiring on June 1, 2011. Director Hopkins also recognized Eric McGeorge for his years of service to DNR and he will be retiring on June 1, 2011.

I. ADJOURNMENT

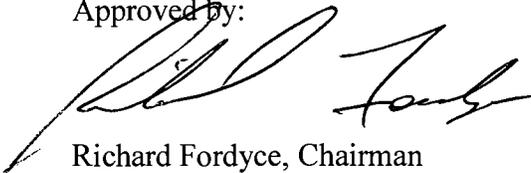
Kathryn Braden moved the meeting be adjourned. Charles Ausfahl seconded the motion. Motion approved by consensus at 1:16 p.m.

Respectfully submitted,



Bryan T. Hopkins, Director
Soil and Water Conservation Program

Approved by:



Richard Fordyce, Chairman
Missouri Soil and Water Districts Commission

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