



# Missouri Department of Natural Resources

**MINUTES  
MISSOURI SOIL AND WATER DISTRICTS COMMISSION  
TELEPHONE CONFERENCE CALL  
LEWIS AND CLARK STATE OFFICE BUILDING  
JEFFERSON CITY, MISSOURI  
October 14, 2010**

**COMMISSION MEMBERS PRESENT VIA TELEPHONE:** Kathryn Braden, Thomas Bradley, Richard Fordyce, and Gary Vandiver

**COMMISSION MEMBERS PRESENT:** Charles Ausfahl

**ADVISORY MEMBERS PRESENT VIA TELEPHONE:** NRCS: J. R. Flores; MASWCD: Steve Radcliff

**ADVISORY MEMBERS PRESENT: SOIL & WATER CONSERVATION PROGRAM:** Bryan Hopkins

**STAFF MEMBERS PRESENT:** Theresa Mueller, Ken Struempf, Bill Wilson

**OTHERS PRESENT VIA TELEPHONE:** DISTRICTS: **COLE:** Peggy Lemons; **HOWARD:** Beverly Dometrorch; **NRCS:** Dick Purcell; **OTHERS:** Senator Kevin Engler; Representative Linda Black; Steve Pasternak

**OTHERS PRESENT:** STATE OF MISSOURI ATTORNEY GENERAL'S OFFICE: Tim Duggan

**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 digital audio recording.

**A. CALL TO ORDER**

Chairman Richard Fordyce called the meeting to order at the Lewis and Clark State Office Building in Jefferson City, Missouri in the Manitou Bluffs Conference Room at 10:02 am.

A roll call was taken of persons attending the meeting via the telephone.

**B. REQUEST FOR A VARIANCE ON A DWC-1 PRACTICE**

Bryan Hopkins presented a request from a St. Francois County landowner for a variance on his DWC-1 practice do to the fact that the pond did not function as designed. He stated that Steve

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Pasternak had worked with the district to implement a grade stabilization structure on his property to control soil erosion. He informed the commission that the site design proved to be faulty and failed to hold water to the design level. Mr. Hopkins stated that NRCS recognizes that the site was inadequately designed. He stated that Mr. Pasternak was requesting that the commission refund his financial investment made in the project. Mr. Hopkins stated that the staff recommendation was that due to the arbitrary and unreasonable impact to Mr. Pasternak caused by the faulty engineering design used in the construction of the practice, that the commission grant Mr. Pasternak's DWC-1 practice a variance to the portion of the cost-share regulations that limits cost-share to 75 percent by providing 100 percent of the costs or an additional \$11,140.09 for the project. Staff also recommended that the commission as a condition to granting this variance require Mr. Pasternak to either maintain the existing structure for the period that remains in the initial maintenance agreement, or install an alternative practice and maintain the alternative practice for the time that remains in the initial maintenance agreement to control the erosion on the site. Staff further recommended that the commission order that the landowner's acceptance of the reimbursement of an additional \$11,140.09 shall constitute the landowner's acceptance of this condition.

Gary Vandiver made a motion to reimburse Mr. Pasternak in the amount of \$11,140.09. Kathryn Braden seconded the motion with the understanding that he will maintain the practice per the maintenance agreement. When polled, Charles Ausfahl, Kathryn Braden, Thomas Bradley, Gary Vandiver, and Richard Fordyce voted in favor of the motion and the motion carried unanimously.

**C. ADJOURNMENT**

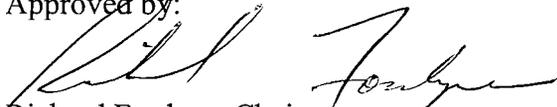
Charles Ausfahl made a motion to adjourn. Kathryn Braden seconded the motion. When polled, Charles Ausfahl, Kathryn Braden, Thomas Bradley, Gary Vandiver, and Richard Fordyce voted in favor of the motion and the motion carried unanimously. The meeting adjourned at 10:35 am.

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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