



# Missouri Department of Natural Resources

## MINUTES

### MISSOURI SOIL AND WATER DISTRICTS COMMISSION TELEPHONE CONFERENCE CALL LEWIS AND CLARK STATE OFFICE BUILDING JEFFERSON CITY, MISSOURI February 10, 2012

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

**EX-OFFICIO MEMBERS PRESENT VIA TELEPHONE:** JON HAGLER, DEPT. OF AGRICULTURE: Judy Grundler; UNIVERSITY OF MISSOURI: Dave Baker

**ADVISORY MEMBERS PRESENT:** SOIL & WATER CONSERVATION PROGRAM: Colleen Meredith; ATTORNEY OF GENERAL'S OFFICE: Tim Duggan; NRCS: Dick Purcell

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

**STAFF MEMBERS PRESENT:** Kurt Boeckmann, Jim Boschert, April Brandt, Allan Clarke, Kerry Cordray, Alan Freeman, Jennifer Johnson, Katy Holmer, Jeremia Markway, Christa Moody, James Plassmeyer, Ken Struempf, Bill Wilson

**STAFF MEMBERS PRESENT VIA TELEPHONE:** Jennifer Pellett, Jeremy Redden

**OTHERS PRESENT VIA TELEPHONE:** DISTRICTS: Howard: Beverly Dometroch; MSWCDEA: Sandy Hutchison; Holt Landowner: Roger Heck; Dunklin SWCD: Sean Droke, Lisa West

#### A. CALL TO ORDER

Chairman Richard Fordyce called the meeting to order in Jefferson City, Missouri, at the DNR Conference Center at 1:00 pm. Poll of commission members was taken: Charles Ausfahl, Kathryn Braden, Thomas Bradley, Gary Vandiver, and Richard Fordyce were present, which made a quorum.

#### C. SOIL AND WATER CONSERVATION PROGRAM DIRECTOR'S COMMENTS

Colleen Meredith made a few announcements to update the commission. The March Soil and Water Districts Commission meeting will be held in the Big River Watershed. Colleen Meredith requested, due to conflicts, to change the date of the March 14<sup>th</sup>

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commission meeting to March 21<sup>st</sup>, 2012. All the commission indicated they were available; the date is changed to March 21<sup>st</sup>, 2012.

Colleen Meredith also noted the state audit will be released Tuesday February 14, 2012. An email with the web links will be sent out for the commissioners to review.

Ken Struempf presented the update on the February Supplemental Allocation. At this time 79 districts have met the 80 percent obligated to qualify for the Supplemental Allocation. The number of districts that will qualify is expected to go up with the deadline on February 15, 2012.

### 1. **Chariton SWCD: Letter of Support for University of Missouri Cover Crop Research Project**

Colleen Meredith discussed the letter of support for University of Missouri Cover Crop Research Project. Colleen Meredith indicated a letter was sent to Ranjith Udawatta stating the Soil and Water Conservation Program received his proposal for a Conservation Innovation grant (CIG) and supported the request for matching funds should the CIG grant be approved. The proposal will evaluate the cost and environmental benefits of adopting a production system focused on soil health, including reducing nutrient and pesticide losses to surface water, soil erosion, and improving soil quality. A portion of this proposal includes research funds requested from the Soil and Water Conservation Program. This will be presented to the commission at the March 21, 2012 meeting. Pending commission approval, negotiated project funds will be made available for match of the CIG grant.

## D. **REQUESTS**

### 1. **Supervisor Appointments**

#### a. **Shannon SWCD**

Kurt Boeckmann presented: Shannon Soil and Water Conservation District (SWCD) supervisor appointment. The Shannon SWCD requests Mr. Barry Crouse to fill the unexpired term of Mr. Armand Spurgin who has resigned. After discussion, Kathryn Braden made a motion to approve the appointment of Mr. Barry Crouse as supervisor in Shannon SWCD. Thomas Bradley seconded the motion. A poll vote was taken. Gary Vandiver, Charles Ausfahl, Kathryn Braden, Thomas Bradley and Richard Fordyce voted in favor of the motion and the motion passed unanimously.

### 2. **Dunklin SWCD – Variance for Practices Completed Prior to Board Approval**

April Brandt presented: Dunklin SWCD variance for practices completed prior to board approval. At the November commission meeting, the Commission approved a Dunklin SWCD request for a variance to pay for 19 practices that were installed prior to board approval of a cost-share contract. In addition, the

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commission approved an additional allocation of \$4,087.98 in disaster assistance funds to cover the contracts in question totaling \$54,645.56.

Dunklin SWCD is requesting another variance to pay for 11 additional practices totaling \$24,859.61 that were installed prior to board approval of a cost-share contract. A board letter states that the board instructed their district technician to check all pending cost-share contracts prior to the November commission meeting to ensure the list of practices presented in November was complete. The letter further states that the previous full time Program Specialist and District Technician are no longer with the district. The board stated that their part-time District Technician has made several onsite visits to all pending cost-share contract sites and found that 11 additional practices have been installed. The Dunklin board would like to pay these landowners as this issue is no fault of the landowners. The board letter stated that this is a failure of district staff to follow cost-share procedures and a lack of proper oversight by the Dunklin SWCD board of supervisors.

April Brandt stated she had recently attended the Dunklin SWCD board meeting. The board did put in place several cost-share policies and were able to finalize and sign the cost-share action plan.

Commission consideration was to approve the variance as landowners have installed the practices in good faith according to guidance received from the Dunklin SWCD. Provide Dunklin SWCD with an additional allocation in the amount \$24,859.61 and deduct this amount from their total FY13 cost-share allocation.

After discussion, Kathryn Braden made a motion to approve the variance requested by Dunklin SWCD. Charles Ausfahl seconded the motion. A poll vote was taken. Gary Vandiver, Charles Ausfahl, Kathryn Braden, Thomas Bradley, and Richard Fordyce voted in favor of the motion and the motion passed unanimously.

Colleen Meredith noted that the Dunklin SWCD informed the Program that due to the Emergency Watershed Protection (EWP) funding that they are to receive, they will be requesting Natural Disaster assistance funding from the Soil and Water Conservation Program to help with installation of drop pipes. To assist Drainage District Number Two in the implementation of EWP funds, the SWCD could possibly need up to a million dollars this year and next year to put drop pipes in as they clean out the drainage ditches. Similar Natural Disaster requests may be coming from more Soil and Water Districts in the Bootheel area around March of this year.

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### 3. (Tabled 1/11/12) Holt SWCD – Heck Farms Payment of DWP-1 Structure

Jim Plassmeyer presented the Holt SWCD Heck Farms Payment of a DWP-1 Structure. This request was tabled at the 11/28/2011 and the 01/11/2012 Commission meetings so staff could gather additional information regarding Roger E Heck and Donna M. Heck Trust's contracts SGE 106-11-0059 and SGE 106-11-0062, DWP -1 Sediment Retention and Erosion Control Structures.

Kathryn Braden made a motion to remove from the table the Holt SWCD Heck Farms Payment of DWP-1 Structure. Charles Ausfahl seconded the motion. Thomas Bradley, Gary Vandiver, Charles Ausfahl, Kathryn Braden and Richard Fordyce voted in favor and the motion passed unanimously.

Jim Plassmeyer presented the history of this request. The practices in question were discovered by a routine spot check on the contractor checkout notes and field check. The spot check determined that the practices were not constructed according to the design given to the contractor. During discussion at the November 28 commission meeting, the contractor stated that additional work had been completed to meet the design requirements. During the January meeting, a report was provided to the Commission indicating that NRCS technical staff had surveyed the practice since the November 28 commission meeting to determine if the contractor completed the additional work. According to NRCS, the practices still did not meet the design requirements nor NRCS standard and specifications. At this time, the attorney's letter written on behalf of the landowner indicated that Hecks had obtained an easement from the neighbor. The district was asked to verify this was proper easement for the January meeting. At the January meeting, the commission asked for more information to determine the necessary work that still needs to be completed and cost estimates for consideration.

NRCS has since been out to the site to determine the modifications that still need to be made in the field. The corrections that need to be completed require the berm heights to be increased on four Water and Sediment Control Basins (WASCOBs) for contracts SGE 106-11-0059 and SGE 106-11-0062. NRCS technical staff surveyed the practices and estimate 1,646 cubic yards of additional earthwork would be required to bring these practices up to NRCS standard and specifications. In addition to the berm heights that need to be increased, the tile needs to be extended on the A line to its own outlet point. Based on the technical information, it would take 1,525 feet of 6" tile to get the tile to a stable outlet point. Without the increased berm heights and the additional tile, the system will

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not function properly. With the corrections that are being discussed today, the practices would meet NRCS standards and specifications with a total cost of \$7,786.91. With the Program's cost-share rate of 75 percent it would provide the landowner additional funds of \$5,840.18.

The staff presented the following for Commission consideration: allow Mr. Heck the following two options. Option one would protect the landowner and the state's initial investment. The Commission would provide additional cost share funds to bring the DWP-1 practices up to the required standards and specifications outlined by NRCS in the amount of \$5,840.18 or any other amount the Commission may wish to consider. The landowner will also need to provide a copy of the easement with the neighbor to temporarily back water onto their property to the Holt SWCD board.

If Mr. Heck does not choose to correct the practices: Option two would be to support the Holt SWCD Board and request repayment of \$10,000 to be made within 30 days for contract SGE 106-11-0059. Failure to repay the funds in 30 days will result in forwarding this case to the Attorney General Office for collection. In addition, cancel contract SGE 106-11-0062.

After extensive discussion, Kathryn Braden made a motion to table this issue until Mr. Heck has an opportunity to speak to his neighbor either along with the local board or NRCS or both, and bring back to the commission, before the March Soil and Water Districts Commission meeting to answer the easement problem. Thomas Bradley seconded the motion. A poll vote was taken. Gary Vandiver, Charles Ausfahl, Kathryn Braden, Thomas Bradley, and Richard Fordyce voted in favor of the motion and the motion passed unanimously.

**F. ADJOURNMENT**

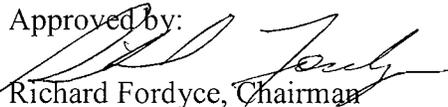
Kathryn Braden moved the meeting be adjourned at 2:16 pm. Thomas Bradley seconded the motion. A poll vote was taken. Gary Vandiver, Thomas Bradley, Kathryn Braden, Charles Ausfahl and Richard Fordyce voted in favor of the motion and the motion passed unanimously.

Respectfully submitted,



Colleen Meredith, Director  
Soil and Water Conservation Program

Approved by:



Richard Fordyce, Chairman  
Missouri Soil and Water Districts Commission  
/clm