



# Missouri Department of Natural Resources

## MINUTES

### MISSOURI SOIL AND WATER DISTRICTS COMMISSION

#### Missouri State Fair Grounds

#### Lowell Mohler Assembly Hall/National Guard Armory

#### Sedalia, Missouri

August 17, 2016

**COMMISSION MEMBERS PRESENT:** Charles Ausfahl, Glen Cope, H. Ralph Gaw, Jeff Lance, Tim Martin and Gary Vandiver

**EX-OFFICIO MEMBERS:** RICHARD FORDYCE, DEPT. OF AGRICULTURE: Judy Grundler; TOM DRAPER-INTERIM DIRECTOR, DEPT. OF CONSERVATION: Lisa Potter, SARA PARKER PAULEY, DEPT. OF NATURAL RESOURCES: Sara Parker Pauley, Todd Sampsell; DEAN THOMAS PAYNE, UNIV. OF MISSOURI: Robert Kallenbach

**ADVISORY MEMBERS PRESENT:** SOIL AND WATER CONSERVATION PROGRAM: Colleen Meredith; NATURAL RESOURCES CONSERVATION SERVICE (NRCS): J.R. Flores; MISSOURI ASSOCIATION OF SOIL AND WATER CONSERVATION DISTRICTS (MASWCD): Kenny Lovelace; ATTORNEY GENERAL'S OFFICE: Shawna Bligh

**STAFF MEMBERS PRESENT:** Van Beydler, Jim Boschert, Jacob Cross, Theresa Mueller, Jim Plassmeyer, Cody Tebbenkamp, Colette Weckenborg, Bill Wilson

**OTHERS PRESENT:** DISTRICTS: BATES: Brad Powell; FRANKLIN: Lori Nowak; LAWRENCE: Paula Champion, Christian Wooldridge; MILLER: Bonnie Pryor; MISSOURI DEPARTMENT OF AGRICULTURE: Chris Klenklen; MISSOURI DEPARTMENT OF NATURAL RESOURCES: Andrea Balkenbush, Kurt Boeckmann, Bryan Hopkins, Robert Stout; MISSOURI PRAIRIE FOUNDATION: Carol Davit; UNIVERSITY OF MISSOURI: Randy Miles; OTHER: MO CORN GROWERS: Darrick Steen; USGS: John Schumacher; FARM BUREAU: Kelly Smith; LANDOWNERS: John Calhoun, Marianne Valencia, Barry Schmidt, Linda Schmidt

#### A. CALL TO ORDER

Chairman Gary Vandiver called the meeting to order in Sedalia, Missouri, at 9:10 a.m. Charles Ausfahl, Glen Cope, H. Ralph Gaw, Jeff Lance, Tim Martin and Gary Vandiver were present, which made a quorum.

# MINUTES--MISSOURI SOIL & WATER DISTRICTS COMMISSION

August 17, 2016

Page 2

## B. MINUTES OF THE LAST MEETING

H. Ralph Gaw made a motion to approve the minutes of June 8, 2016, Commission meeting. Charles Ausfahl seconded the motion. When asked by the Chair, Charles Ausfahl, Glen Cope, H. Ralph Gaw, Jeff Lance, Tim Martin and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

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

Colleen Meredith thanked everyone for attending the meeting.

### 1. Fiscal Year 2016 Financial Information

Colette Weckenborg presented an update on the fiscal year (FY) 2016 budget. The revenues for FY16 totaled \$46,407,557 and of that amount, \$46,171,508 was from the sales tax; \$193,707 was interest and \$42,341 from vendor refunds. Ms. Weckenborg pointed out that in FY16, \$47,775,631 was expended of the \$53,200,235 appropriation authority granted to the program. Of that amount, 70 percent, \$33,425,231, was for Cost-Share; 24 percent, \$11,447,864, was District Operations; 4 percent, \$2,005,289, was Program Administration; and 2 percent, \$897,248, was Other.

### 2. Fiscal Year 2016 and Fiscal Year 2017 Cost-Share/SALT Fund Status

Bill Wilson presented the FY16 Cost-Share/SALT Fund Status. To close out the fiscal year, \$33,345,968 was obligated and paid to landowners. He stated that FY16 was a robust year for cost-share and was the second highest year in the program's history.

For FY16 SALT cost-share, \$110,396 was allocated and of that amount, \$53,766 was obligated and paid to landowners. He pointed out that FY16 was the last year for the SALT projects.

For FY17 cost-share, \$34,107,776 has been allocated and of that amount, \$9,153,665 obligated and \$494,511 paid to landowners. He stated this amount does include the first Supplemental Allocation. As of August 10, 2016, the Supplemental Allocation amount was \$3,960,000. There were 42 districts that received a supplemental. The next supplemental is scheduled for September 1.

### 3. Soil Health Assessment Center Update

Dr. Randy Miles presented an update on the Soil Health Assessment Center (SHAC). SHAC is committed to quality assurance and quality control and to be relevant in what they do. They are working on the assessment of the characteristics of the soil relative to chemical, physical and biologic aspects. They are working with NRCS and others in collecting data on native soils and be prescriptive in the understanding of the soil attributes so they can suggest

## MINUTES--MISSOURI SOIL & WATER DISTRICTS COMMISSION

August 17, 2016

Page 3

management options. He stated they have been looking at the baseline assessment of soils. They are looking at doing 11 different analyses. They have received 1,732 samples and are summarizing the data many ways, by state average, county average and by Major Land Resource Area (MLRA).

The final stage of the renovation of the SHAC Training Room has been completed so they are essentially ready for training. They are now in year two of receiving soil samples and are still looking for the same information from the soil survey mapping unit, position in the landscape, past cropping, etc. They are utilizing the same 11 analyses. He pointed out they are working with many partners as far as the Soil Health Consortium and updated the Commission on the recent and upcoming Field Day and education activities.

He reiterated they are trying to be adaptable, educating others, provide additional information as needed and they welcome input.

Director Pauley stated that she had the opportunity to see the SHAC and was amazed at how far along they have come with the information on the health of the soil. She thanked the Commission for their support of the center.

#### 4. **State Water Plan Research Funding**

H. Ralph Gaw made a motion to have the tabled issue brought back for discussion. Charles Ausfahl seconded the motion. When asked by the chair, Charles Ausfahl, Glen Cope, H. Ralph Gaw, Jeff Lance, Tim Martin and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

Bryan Hopkins presented on the State Water Plan for Sherri Stoner who will be the DNR coordinator for this effort and was unable to make today's meeting. Department staff that are contacts for the plan from the Water Resources Center are Sherri Stoner and Andrea Collier.

The previous water plan is over 10 years old and was a technical analysis. It was useful, but the value of the plan is an ongoing process to help the state look at its water priorities. In 2014 members of the different commissions were brought together for briefings on the state water plan and to start the process. He stated this is a stakeholder driven initiative to look at the state's water usage, priorities down the road and what should we be looking at in the future. The critical issue is stable and consistent drinking water sources. The budget is a mix of federal and state fiscal years.

Dr. Robert Kallenbach presented information stating that the goal of the plan is to develop reliable estimates of water demand for agriculture in Missouri through the year of 2060. Today, farmers can produce almost twice as much product with the same amount of water that was used in the past. Now, there are better hybrids, as well as better management, so the plan needs to reflect this science. Some of the products from the agriculture part of the plan will be water demand and use

## MINUTES--MISSOURI SOIL & WATER DISTRICTS COMMISSION

August 17, 2016

Page 4

plans in a HUC8 watershed. They will consider historic and planned uses for crops and livestock, enhance estimates of water needs based on satellite and infrared images, use of a time scale (water demands are not equal throughout the year), show ground vs. surface water needs and build an interactive online map to guide agricultural water users in planning. They also want to bring economic aspects into the plan. Agriculture is the largest industry in Missouri and it uses a lot of water, but its use helps to create jobs, food, etc. Historic analyses, satellite and infrared image analyses and interactive online water resources tool will be required to complete the work.

Bryan Hopkins reiterated that they are looking at large major patterns of prioritizations within the state, not in the individual farm scale. The information this plan produces could be used by the individual farmer from a practical standpoint, such how much water is needed for a crop. He pointed out this would not be a short term process, but long term.

Colleen Meredith stated the Soil and Water Conservation Program is proposing to fund a total of \$300,000 for this plan over two years. The appropriation for research is \$400,000 a year, so there is funding available for this effort. The \$300,000 would be used toward the agriculture water use, not any other part of the plan, and would be through a contract with the University of Missouri.

After extensive discussion, the agenda item died due to the lack of a motion.

### 5. **U.S. Geological Survey Monitoring Network**

Jeff Lance made a motion to have the tabled issue brought back for discussion. Glen Cope seconded the motion. When asked by the chair, Charles Ausfahl, Glen Cope, H. Ralph Gaw, Jeff Lance, Tim Martin and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

Colleen Meredith stated the SWCP is proposing to fund an amount of \$313,000 for use over two or three fiscal years for as Phase II monitoring project.

John Schumacher from the United States Geological Survey (USGS) stated the Missouri Ambient Water Quality Monitoring Network has been around since the late 1960s. It is a premier water quality monitoring network and is a cooperative effort between the Department of Natural Resources and the USGS. Of the 71 sites, two are sites on major rivers and four are springs in the Ozarks. Samples are taken up to a dozen times a year, and there is no comprehensive report, but the data is used. The samples are tested for nutrients, bacteria, major and trace elements and pesticides.

Phase I of the project looked at selected sites similar to a pilot to determine if they were worth pursuing. In looking at six locations from 1993-2008, they saw upward trends in phosphorus and nitrogen at some of the sites. The Phase II benefits are: USGS is non-regulatory and focuses on the science, the project will

## MINUTES--MISSOURI SOIL & WATER DISTRICTS COMMISSION

August 17, 2016

Page 5

establish baseline conditions for watersheds, identify water quality trends, and look at the trends with respect to conservation practices at various scales.

John Schumacher demonstrated the value of this Phase II project by using monitoring data in the Elk River Basin in southwest Missouri as an example. This basin has a very large number of poultry facilities. He showed that there was a decreasing trend in phosphorus over a period of several years. Colleen Meredith provided information to show that this trend may possibly be attributed to a concerted effort in that watershed to implement conservation practices that focused on poultry litter management that were funded through 319 Nonpoint Source Grants, SWCP AgNPS SALT and regular cost-share and also federal programs, and a large information/education effort.

Colleen Meredith stated the example in the Elk River shows how the Phase II monitoring can show a relationship of water quality trends and implementation of conservation practices through the SWCP and partner efforts. She reminded the Commission that the amount being asked for was \$313,000 over three years to fund the Phase II part of the USGS study.

Glen Cope made a motion to approve the funding of the project. The motion died due to a lack of a second.

### 6. **Fiscal Year 2017 State Average Cost on Roofing Component**

Bill Wilson presented information on the fiscal year (FY) 2017 State Average Cost on the Roofing Component. The issue is that the state average cost for the roofing component for animal waste facilities decreased from \$7.18 to \$5.38/square foot for FY17. Five districts sent letters requesting that the state average cost be changed back to \$7.18/square foot for the current fiscal year. As in past years, component cost data can be entered into the actual cost database by NRCS, FSA and SWCD staff. The database is available year round so that information can be added at any time. In FY15, a spreadsheet was developed and made available to the SWCDs as an additional method to enter data if NRCS computer access was not convenient. The data entered helps establish the state average costs used in state and federal cost-share. He pointed out that it is important that districts enter accurate cost data, because it impacts the amount for determining cost-share payments. The districts were sent an email on May 23, 2016, reminding them to enter the information. In FY16 the roofing component was used on 48 animal waste practices in 14 districts; of those districts only three entered the roofing costs into the database (two entered state cost-share information and one entered EQIP cost). The costs entered ranged from \$2.47 to \$6.11.

The Commission consideration: maintain the roofing rate at \$5.38/square foot as determined by information entered into the cost-share database to establish the state average cost list, and remind districts about the importance of entering cost into the database.

## MINUTES--MISSOURI SOIL & WATER DISTRICTS COMMISSION

August 17, 2016

Page 6

No action was taken, so the roofing rate was maintained at \$5.38/square foot.

### D. APPEALS

#### 1. **Clay SWCD Landowner Appeal of Board Denying Payment on a Cover Crop Practice Contract Due to Tilling**

Cody Tebbenkamp presented an appeal from a Clay County landowner appealing the board's denial of payment on three Cover Crop practice contracts totaling \$8,882.50. The landowner is appealing due to the fact that he did not realize a harrow was considered a tillage tool.

All three contracts were started in September of 2015 following Commission policy. After the application of anhydrous, the landowner pulled a pasture harrow across the entire field to smooth the ruts. On April 17, 2016, the landowner planted corn after the cover crop. After the corn was planted the district staff reviewed the sites where the cover crops had been planted and the landowner explained that he had harrowed two of the three fields. Cody stated that the landowner sent the program office an email to this affect. The district sent a letter to the program office in support of the landowner. The board took responsibility for not explaining all of the necessary information regarding the rules and regulations pertaining to the cover crop practice. The board denied the payments due to Commission policy and guidance from NRCS staff. Commission policy states, "Production crop following the cover crops must be planted using a no-till system on the contracted acres. No-till is defined as per standard 329 for Residue and Tillage Management No-till." The NRCS Residue and Tillage Management standard 329 states, "There is no full-width tillage performed on the fields from the time of harvest or termination of one cash crop to the time of harvest or termination of the next cash crop in the rotation regardless of the depth of the tillage operation."

Commission consideration is to uphold the Commission's policy of requiring the production crop to be no-tilled into the cover crop and deny the landowner's appeal to receive payment on his three cover crop contracts totaling \$8,882.50.

After discussion, H. Ralph Gaw made a motion to approve the landowner's request to pay the contracts in the amount of \$8,882.50. Charles Ausfahl seconded the motion. When polled, Charles Ausfahl, Glen Cope, H. Ralph Gaw, Jeff Lance, Tim Martin and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

## MINUTES--MISSOURI SOIL & WATER DISTRICTS COMMISSION

August 17, 2016

Page 7

### E. REQUEST

#### 1. Lawrence SWCD – Landowner Maintenance Violation on Grazing System Practice DSP 3.1 Water Development, DSP 3.2 Water Distribution and DSP 3.3 Fence

Jim Plassmeyer presented a request from the Lawrence SWCD for the Commission's assistance obtaining a prorated repayment on a grazing system practice in the amount of \$8,427.10 due to the grazing system not being maintained as designed.

The system had water development, water distribution and fence practices implemented. The grazing system water development and distribution were paid in 2009 and the fence was paid in 2010. On February 4, 2016, the district discovered a maintenance issue when working with the current landowner. It was pointed out that the original landowner no longer owns the property. Commission policy states that the contract and maintenance remains with the original landowner that received payment for the practice, unless that maintenance is formally transferred to the new landowner. The transfer was not done in this instance. On April 25, 2016, the district sent the landowner a certified letter notifying him of the maintenance violation and offered him two options; either rebuild the fence or make repayment of \$8,427.10 with 30 days. The program was informed by the district that they had not received payment nor was the fence rebuilt, so the program sent the landowner a letter reiterating the need for either repayment or the fence to be rebuilt or make an appeal to the Commission.

Commission policy on a maintenance violation states, "The district board has the responsibility to follow up on cost-share practices to see that they are maintained for the life of the practice. Practices not maintained cannot perform their intended function, and the landowner is not complying with the maintenance agreement as stated on the contract."

Code State of Regulations and the contract states, "if the practice is removed, altered or modified so as to lessen its effectiveness, without prior approval of the district, for a period of ten (10) years or the expected life span of the practice, whichever is the lesser, after the date of receiving payment, the landowner or his/her heirs, assignees or other transferees, shall refund to the Cost-Share Program the prorated amount of the state cost-share payment previously received for the practice or portion of the practice which has been removed, altered or modified." Mr. Plassmeyer stated that Lawrence SWCD was following both policy and regulations in asking for the full repayment, because of the modifications to the practice.

The Commission policy requires grazing systems to follow the NRCS 528 Prescribed Grazing Standard for a 10-year life span. The N528 standard provides guidance for two or more pastures system, as well as three or more pastures

## MINUTES--MISSOURI SOIL & WATER DISTRICTS COMMISSION

August 17, 2016

Page 8

system. The number of paddocks needed is determined by the length of the rest period needed for the recovery period of the forages.

Mr. Plassmeyer presented pictures of the grazing system showing the missing fence. Since the fence was removed, Lawrence SWCD was requesting the Commission's assistance obtaining the prorated repayment from the landowner in the amount of \$8,427.10. Mr. Plassmeyer stated the landowner sent an email stating that he contacted the current owners about his intention to reinstall high tensile electric fence, but the current landowner will only accept 4-strand barbed wire. The estimated cost is over \$7,800, which is beyond the previous landowner's financial ability. The Commission has the authority to grant an individual variance to any rule or regulation, as well as looking at it to see if there would be any arbitrary impact to a landowner participating in the program.

Commission consideration is to support the board's request for repayment by notifying the landowner of the maintenance violation and ask for repayment of \$8,427.10 or reinstall the fence within 30 days of the notification. If neither of the options is met within 30 days, turn the issue over to the Attorney General's Office for collection.

After discussion which indicated that the current system, even with the fencing that was removed, still meets the NRCS N528 Standards and Specifications. H. Ralph Gaw made a motion to have the landowner pay the \$2,677.32 for the fencing that was removed. Charles Ausfahl seconded the motion. After further discussion both withdrew their motion.

Jeff Lance made a motion to have the landowner repay the prorated amount of \$2,677.32 for the fence that was removed, but still have the maintenance agreement on the tanks, piping and remaining fence. Glen Cope seconded the motion. When polled, Charles Ausfahl, Glen cope, H. Ralph Gaw, Jeff Lance, Tim Martin, and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

### **F. SOIL AND WATER CONSERVATION PROGRAM DIRECTOR'S COMMENTS (CONTINUED)**

#### **1. Missouri Prairie Foundation**

Carol Davit presented information on the Missouri Prairie Foundation which is a private nonprofit prairie conservation organization. Their mission is to protect and restore remaining prairie and other native grassland communities through acquisition, management, education and research. The Missouri Prairie Foundation also promotes the use of native plants for a variety of benefits through the 16-year-old Grow Native Program.

## MINUTES--MISSOURI SOIL & WATER DISTRICTS COMMISSION

August 17, 2016

Page 9

They are governed by a volunteer board of directors from across the state and have three staff members and many partners and collaborators. The organization began in 1966 to safeguard the remaining prairie land. She pointed out that at the time of statehood there was 15,000,000 acres of prairie, today there is less than 70,000 acres of original prairie land. Some of the reasons for the loss are conversion of native habitat to fescue, row crops and fire suppression. There is an incredible biodiversity in the prairies. The temperate grassland is the least conserved, most threatened. Missouri prairies support many species: 800 native plants, more than 450 pollinating insect species, other invertebrates and dozens of vertebrate animals. The remaining prairies have direct benefits to the soil due to continuous inputs of organic substances via the roots, drought tolerant forage, erosion control and water protection.

Ms. Davit stated that we need to save as much of the original prairie as we can and apply what we have learned from the remaining prairies. She stated they are happy to host tours, supply speakers on the benefits of natives and provide resource guides on native plants and services. She also encouraged the Commission to include incentives for natives in the cost-share programs.

### 2. **Staff Updates**

Jim Plassmeyer reported that the program had hired a district coordinator, Jacob Cross, to cover the north central part of the state.

## G. **REQUEST (CONTINUED)**

### 1. **Supervisor Requests**

#### a. **Callaway**

Jim Boschert presented a request from the Callaway County Soil and Water Conservation District (SWCD) requesting the appointment of Mr. Noland Bartley to complete the unexpired term of Mr. Carson Humphreys due to his resignation. Mr. Bartley and the board chairman have signed the Verification of Supervisory Eligibility form, verifying the candidate meets the qualifications to serve on the board.

Glen Cope made a motion to approve the appointment of Mr. Noland Bartley to complete the unexpired term of Mr. Carson Humphreys. Tim Martin seconded the motion. When asked by the Chair, Charles Ausfahl, Glen Cope, H. Ralph Gaw, Jeff Lance, Tim Martin and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

#### b. **Miller**

Jim Boschert presented a request from the Miller County Soil and Water Conservation District (SWCD) requesting the appointment of Mr. Phil Thompson to complete the unexpired term of Mr. Elias Otto due to his resignation. Mr. Thompson and the board chairman have signed the

## MINUTES--MISSOURI SOIL & WATER DISTRICTS COMMISSION

August 17, 2016

Page 10

Verification of Supervisory Eligibility form, verifying the candidate meets the qualifications to serve on the board.

H. Ralph Gaw made a motion to approve the appointment of Mr. Phil Thompson to complete the unexpired term of Mr. Alias Otto. Jeff Lance seconded the motion. When asked by the Chair, Charles Ausfahl, Glen Cope, H. Ralph Gaw, Jeff Lance, Tim Martin and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

### c. **Reynolds**

Jim Boschert presented a request from the Reynold SWCD requesting the appointment of Mr. Doug Fitzgerald to complete the unexpired term of Mr. Bob Roney due to his resignation. Mr. Fitzgerald and the board chairman have signed the Verification of Supervisory Eligibility form, verifying the candidate meets the qualifications to serve on the board.

Jeff Lance made a motion to approve the appointment of Mr. Doug Fitzgerald to complete the unexpired term of Mr. Bob Roney. H. Ralph Gaw seconded the motion. When asked by the Chair, Charles Ausfahl, Glen Cope, H. Ralph Gaw, Jeff Lance, Tim Martin and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

**NOTE:** Charles Ausfahl and Glen Cope left the meeting prior to adjournment due to prior commitments.

## H. **REPORTS**

### 1. **Department of Agriculture**

Judy Grundler welcomed everyone to the State Fair. The department has completed several of their surveys. The Emerald Ash Borer survey indicated 14 new county detections in the state. Since it is a federally regulated pest, they no longer have quarantine areas now that it is generally around the state. Two other surveys are the Gypsy Moth (nine found this year) and the Thousand Cankers Disease of Black Walnut (none found so far in the state).

Ms. Grundler informed the Commission about the issue of dicamba. She stated that they have received 125 complaints about this and is an unfortunate situation. Several producers used an old formulation of dicamba which is highly volatile and drifts which created damage to crops in the area.

### 2. **Natural Resources Conservation Service (NRCS)**

J.R. Flores informed the Commission that they had a very successful year in EQIP. They received approximately \$29.5 million which was an increase from a few years ago. The Monarch Habitat Development Project received some special initiative funds in the amount of \$560,000 and they received 150 requests from

## **MINUTES--MISSOURI SOIL & WATER DISTRICTS COMMISSION**

August 17, 2016

Page 11

across Missouri. The State Technical Committee meeting was held in June and he thanked everyone who attended. The Conservation Planning Training will be continued to certify soil and water conservation district employees as Conservation Planners. NRCS is finalizing with the SWCP 13 additional technician positions that are going to be located in the field; they will be hired and supervised by the local soil and water conservation districts.

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

Dr. Robert Kallenbach stated they are working with NRCS and other partners on the issues that were brought up regarding the grazing school. He stated there are several field days scheduled across the state.

Dr. Kallenbach informed the Commission that they have a new curriculum coming out on Healthy Yards and Healthy Streams. It is focused on runoff from urban landscapes. They will work with homeowners on what they are doing in terms of their yards and how it impacts streams.

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

Lisa Potter stated that Missouri was the first state to finalize the State Monarch and Pollinator Conservation Plan. There were 25 partners that signed an MOU help to launch this in the state, and there are still other partners that want to be involved with this. One of the objectives of this plan was to hire a Pollinator Coordinator and they are working on that now and hope to have someone in place by the end of August. She stated they just opened up their new Missouri Outdoor Recreational Access Program. This program provides opportunities for private landowners to open their land to the public for wildlife recreation. The first statewide sign-up took place and they hope to have 6,000 acres of new land available for this program.

### **5. Missouri Association of Soil and Water Conservation Districts**

Kenny Lovelace invited everyone to Tan-Tar-A for the Training Conference. He also thanked everyone who has been working on the tax renewal.

## **I. NEW BUSINESS**

Ralph Gaw announced that Charles Ausfahl was resigning from the Commission effective immediately. Mr. Ausfahl was handing in his resignation to the Governor.

## **J. SUGGESTED DATE(S) OF THE NEXT MEETING(S)**

The next meeting is scheduled for October 12, 2016, in Jefferson City.

**MINUTES--MISSOURI SOIL & WATER DISTRICTS COMMISSION**

August 17, 2016

Page 12

**K. ADJOURNMENT**

Jeff Lance made a motion to adjourn the meeting at 12:50 p.m. H. Ralph Gaw seconded the motion. When asked by the Chair, H. Ralph Gaw, Jeff Lance, Tim Martin and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

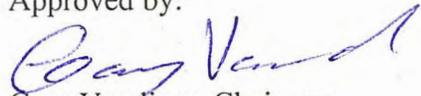
Respectfully submitted,



Colleen Meredith, Director

Soil and Water Conservation Program

Approved by:



Gary Vandiver, Chairman

Missouri Soil and Water Districts Commission

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