

## MINUTES OF THE STATE CONSERVATION COMMISSION

1. The State Conservation Commission meeting was called to order by Rod Vorhees, Chairman and Area V Commissioner at 9:02 a.m. Monday, April 11, 2011, at the State Conservation Commission, Topeka, Kansas.

### 2. ATTENDANCE:

#### Elected Commissioners:

Ted Nighswonger, Area I Commissioner  
Andy Larson, Area II Commissioner  
Brad Shogren, Area III Commissioner  
John Wunder, Area IV Commissioner  
Rod Vorhees, Area V Commissioner

#### Ex-Officio & Appointed Member:

Eric Banks, State Conservationist, USDA, Natural Resources Conservation Service (NRCS)  
David Barfield, Kansas Department of Agriculture (KDA), Division of Water Resources  
Phil Barnes, Associate Professor, Water Quality, Biological and Agricultural Engineering,  
K-State Research and Extension

#### Staff:

Greg Foley, Executive Director  
Scott Carlson, Assistant Director  
Max Foster, Chief Fiscal Officer  
Hakim Saadi, Watershed Programs Manager  
Don Jones, Water Quality Program Manager

### 3. APPROVAL OF AGENDA:

**Motion by John Wunder to approve the agenda as presented. Seconded by Ted Nighswonger. Motion carried.**

### 4. MINUTES OF THE PREVIOUS MEETINGS:

**Motion by Ted Nighswonger to approve the January 18, 2011, February 4, 2011 and February 8, 2011 minutes as mailed. Seconded by Brad Shogren. Motion carried.**

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### **5. GUESTS:**

Pat Lehman, Executive Director, Kansas Association of Conservation Districts  
Chris Grunewald, Assistant Attorney General

### **6. FINANCIAL REPORT:**

- a. Review of the Third Quarter Financial report – Max Foster. See Attachment A.

### **7. COMMUNICATIONS AND ANNOUNCEMENTS: NONE.**

### **8. UNFINISHED BUSINESS:**

- a. Summary of 2011 Spring Workshops – Scott Carlson. See Attachment B.
- b. Legislative update and review of Fiscal Year 2012 Budget – Greg Foley.
  - i. The budget has not been finalized to this point.
- c. 2011 joint summer meeting with KACD (sponsored by SCC Area IV Commissioner) – Greg Foley.
- d. Kickapoo litigation update – Chris Grunewald, Assistant Attorney General.

**Motion by Andy Larson that the meeting be adjourned to executive session for the purpose of confidential attorney-client consultation with the Commission's attorneys regarding the Agreement and the pending litigation of the Kickapoo Tribe v Knight et al., with the open meeting to reconvene at 11:35 a.m. at the same location. Seconded by Ted Nighswonger. Motion carried. Time in 10:53.**

**At 11:35, the executive session was terminated and the open session resumed, following a motion for same by Andy Larson. Seconded by Ted Nighswonger. Motion carried.**

- e. Executive Reorganization Order update – Greg Foley.

### **9. NEW BUSINESS:**

- a. Review Fiscal Year 2012 program allocation scenarios – Don Jones.

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- b. Review Fiscal Year 2012 Water Resource Cost Share Program (WRCSP), Nonpoint Source Pollution Control Program (NPSPCP), Buffer Initiative Program (BIP) and Riparian and Wetland Protection Program (RWPP) policy provisions – Don Jones. See Attachment C.

**Motion by Brad Shogren to approve the Fiscal Year 2012 WRCSP, NPSPCP, BIP, and RWPP policy revisions. Seconded by Andy Larson. Motion carried.**

- c. Discuss luncheon speaker choices for the SCC luncheon at the 2011 Kansas Association of Conservation Districts (KACD) Convention – Greg Foley.

- i. Staff was advised to contact candidates for availability.

- d. Review cost-share encumbrance and cancellation policy recommendations. Policy was adopted at the November 23, 2011 meeting to cancel 2011 funds on June 1, 2011 but was extended to June 10, 2011 with SCC Chairman concurrence – Scott Carlson. See Attachment D.

**Motion by Ted Nighswonger to extend Fiscal Years 2008 and 2009 NPSPCP and RWPP contracts until June 1, 2012. Seconded by Andy Larson. Motion carried.**

- e. Watershed Dam Construction Program (WDCP) funding recommendation for Rehabilitation and Inundation mapping for Fiscal Year 2011 – Hakim Saadi. See Attachment E.

**Motion by Andy Larson to approve funding recommendation for rehabilitation and inundation mapping for Fiscal Year 2011. Seconded by John Wunder. Motion carried.**

### 10. REPORTS:

- a. Agency Reports:

- i. Natural Resource and Conservation Services (NRCS) – Eric Banks. See Attachment F.

- b. Staff Reports:

- i. Statement of Substantial Interest handed out.

- c. Commissioner reports:

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**11. ADJOURN:**

The next regular Commission meeting is scheduled for May 9, 2011 at 9:00 a.m. at the State Conservation Commission in Topeka, Kansas.

**Motion by Andy Larson to adjourn. Seconded by Ted Nighswonger. Motion carried. Meeting adjourned at 3:14 p.m.**

A handwritten signature in black ink, appearing to read "Greg A. Foley". The signature is written in a cursive style with a large initial "G" and a circular flourish at the end.

Greg A. Foley,  
Executive Director