

MINUTES
STATE SOIL CONSERVATION BOARD MEETING
9:00 a.m. Tuesday, April 12, 2011
The Nature Conservancy
620 E Ohio St
Indianapolis, IN 46202

Members in Attendance:

Larry Clemens
Scott Ham
Bob Eddleman
Brett Glick
Nola Gentry
Bill Mann

Others in Attendance:

Jerod Chew ISDA
Deb Fairhurst ISDA
Roz Leeck ISDA
Jennifer Pinkston ISDA
Jennifer Boyle-Warner, IASWCD
Hans Kok CCSI
Nathan Stoelting ISDA
Laura Fribley ISDA
Dale Sides Jefferson Co SWCD
Anita Hiatt Tipton Co SWCD
Jim Lake ISDA
Mike Pittman Jefferson Co SWCD
Tara Henry ISDA
Denise Wright ISDH
Kyleen Welling Lt. Governor's Office
Sarah Lake ISDA
Darrell Nicholson NRCS

I. 9:00 AM: Call to Order

II. Indiana On Site Sewage Systems-Denise Wright ISDH (See Attachments)

At the request of the SSCB, Denise Wright from the Indiana State Department of Health gave a presentation about on-site sewage systems in Indiana. One concern regarding onsite sewage systems is of over 800,000 onsite systems in Indiana, about 250,000 are failing. To rectify failures, current systems must be regularly maintained while new structures must be properly designed and installed. The full presentation can be found on the ISDA website under "April Attachments".

<http://www.in.gov/isda/2346.htm>

Denise noted homeowner education is the key to creating solutions for Indiana's onsite sewage issues. Discussion of how to accomplish this task included creating a task force to compile and distribute information. The EPA has literature for distribution available.

III. Draft Minutes of March 2011

Bob Eddleman moved to approve minutes as presented. Brett seconded. Motion carried.

IV. Clean Water Indiana

a. 2011 Watershed Grants Program-Jerod Chew and DSSs (See Attachment)

By the March deadline, we have received over \$500,000 of requests for the \$84,000 available in funding. The Executive Committee met with the District Support Specialists to review the 16 applications and has recommended the top five applications, all with reductions from original proposals. The recommendations are as follows with lead district being named: Kosciusko (\$20,000), Allen (\$20,000), Wells (\$9,000), Tipton (\$20,000) and Knox (\$15,000). Bill Mann noted the Grants Committee was pleased with the Executive Committee recommendations and Nola Gentry noted the quality of the applications were excellent. Nola also commented that unfunded proposals should be marketed to other funding sources. Bob motioned to approve the Executive Committee recommendations. Motion passed.

b. CREP Report- Jerod Chew (See Attachment)

Since the March 2011 CREP Report, 23 additional practices have been installed and paid around the state. We are now up to 816 executed contracts. To date, over 1.3M has been paid to landowners from Clean Water Indiana in CREP.

c. 2011 and Prior Grants Report—Jennifer Pinkston (See Attachments)

The 2009 grant cycle has ended with the final two reports being submitted by not processed yet. 2010 grants ended March 31 for all but 9 districts. Those 9 districts have extensions up to November 2011. Final reports for the 2010 grants are due by May 31, 2011. Many districts have already submitted final reports on SharePoint and payments are in process. The initial 75% of the 2011 grants has been paid to all Districts at this time.

d. Annual Financial Reports—Jennifer Pinkston and Tara Henry (See Attachments)

Annual Financial Reports have been submitted to District Support Specialists for review. At this time, about half have been reviewed and contracts sent out for signature. Blackford County has requested special consideration for their statutory match. Blackford County did not receive their 2010 funding until January 2011 which resulted in the Annual Financial Report for 2010 showing \$0 in local funding. Nola moved to approved Blackford County's request for matching funds be approved, noting the later receipt date. Motion carried.

e. Clean Water Indiana Budget-Jerod Chew

At this time, the actual spending is on track with approved budget. In May, the Executive Committee will meet and discuss the FY12 budget, which will be presented to the full Board at the June meeting. Paul Hoffman is now working for the Lt. Governor's Business Office and Jennifer Pinkston has taken over his Clean Water duties. Jerod requested the Board to approve moving Paul's payroll out of Clean Water and adding Jennifer to it. Scott Ham motioned to approve this request; Nola seconded. Motion carried.

V. Soil and Water Conservation Districts

a. Jefferson County Election (See Attachments)

The Board sought legal council after the March meeting to determine what, if any, authority the SSCB has over local elections, the legal definition of an occupier, and do the Jefferson County election results stand. In a written statement from Kyleen Welling, the following determinations were made:

"The statute does not set forth a mechanism for challenging the results of the election. Nor does the statute give the SSCB any authority or jurisdiction over how the election is conducted"

"The relevant sections of the statute do not define "legal possession", but possession in law, often referred to as constructive possession is defined as "control or dominion over a property without actual possession or custody of it." Black's Law Dictionary, 2nd Pocket Edition, 2001. A lease is a contractual obligation, with an express lease being one with explicit terms set out, and implied lease being one where the parties do not set out specific terms but act in a manner that the understandings and assumption between them have legal significance. Black's Law Dictionary."

"Mr. Mike Pittman submitted an application packet to the Jefferson County SWCD in late 2010. He was included as a qualified nominee on the ballot presented to the SSCB prior to the supervisor election. At the supervisor election he received the greatest number of votes and was announced and sworn in as a district supervisor. "

"Generally speaking, the time to evaluate the qualifications of a candidate are prior to the election. If the local election committee presented the candidates as qualified, and the candidates were placed on the ballot submitted to the SSCB, the statute does not provide a mechanism to later remove a candidate and declare them ineligible."

The SSCB approved a motion to send the memorandum containing the legal findings along with a letter from the Board to the Jefferson County SWCD.

b. Upcoming Dates

2010 Clean Water Indiana grant reports are due May 31, unless District has received an extension. The Partnership Training and Certification Program information was due April 1, but the deadline has been extended to April 29.

VI. SSCB Board Reports and Discussion

a. SSCB Chairman's Report – Larry Clemens

Larry noted he would like the Grants Committee and the DSSs to form an advisory group and work over the next few months to craft a proposal for the FY12 CWI grants. The group should report this back to the full board in July. The Grants Committee consists of Warren, Bill and Brett.

VII. ISDA Reports

a. Division of Soil Conservation Report

i. Technical Support Update – Jerod Chew

Resource Specialist Julie Morris, formerly with IDEM, joined ISDA this month. She will be stationed in Pulaski County office in Winamac. ISDA is now up to 25 Resource Specialists around the State. Since January, ISDA staff members have assisted on over 400 practices.

ii. District Support Update – District Support Specialists

Nathan noted DSSs are currently reviewing Annual Financial Reports and have been assisting in Clean Water Indiana Watershed grant activities, as well as the technical inventory and assisting districts with 2010 grant reports. Laura noted the number one training need reported is conservation planning. The SWCDs are also requesting ARC GIS training. Jim reported DSSs have also been busy working with Districts to update their business plans.

iii. Accountability and Technology Update—Deb Fairhurst (See Attachment)

Deb attended regional meetings the first two weeks of March and gave presentations on SharePoint. Through the use of SharePoint, Deb has been able to generate reports presented today. SharePoint is able to easily track funds spent in broad categories as well as provide detailed analysis within each category. Based on the reports submitted to date, SWCDs have collaborated with 299 organizations to further conservation efforts. See attached report for detailed analysis. Deb is working with the Office of Technology to find a solution to password issues. The ICP web application is underway.

iv. Agriculture Affairs Update – Roz Leeck

Roz spoke at the regional meetings, along with Hans Kok. Roz has also been involved with ISDA's Certified Livestock Producer Program presenting information to participants regarding conservation such as water quality concerns, i.e. hypoxia and blue green algae. Roz has been working with Red Gold to explore potential conservation measures that tomato producers might be able to adopt for reduction of soil loss and nutrient runoff.

VIII. Conservation Partner Reports

a. DNR Report

No Report

b. IDEM Report

No Report

c. Purdue Report

No Report

d. IASWCD President's Report – Jennifer Boyle Warner (See Attachments)

Each week, Jennifer sends out a legislative update. Here are a few updates on current bills:

HB 1001 (budget)

House passed budget includes funds for CWI: \$500,000 in general fund appropriation and \$3.6 million in dedicated CWI funds.

Senate Appropriations is now working on their version of the budget.

HB 1348 – Soil and Water Conservation Districts

Eliminates 10 acre rule and makes other administrative language changes to District law.

At second hearing on floor, an amendment pertaining to Conservancy Districts was added by Senator Lawson. Bill passed on 3rd reading and now must be returned to the House for concurrence.

SB 375 - Sustainable Natural Resources Task Force

Establishes the sustainable natural resource task force to: (1) collect programmatic and funding data on current natural resource protection programs in Indiana; (2) perform a needs assessment concerning natural resource programs; and (3) collect information concerning the

natural resource protection programs of other states, including information about funding and funding mechanisms for those programs.

Passed the Senate; passed the House Natural Resources Committee; at 2nd hearing on House floor

e. FSA Report

No Report

f. NRCS State Conservationist’s Report – (see attachment)

Federal budget update- the federal government shutdown was avoided. NRCS had received mandates on how to proceed and apologized for any inconvenience it may have caused. The “NRCS ICP Delivery System” information is now available. NRCS hopes this is a blueprint that is used around the state, and is endorsed by all Partners.

NRCS discussed the development of a certification system for Conservation Planner of Non-engineered Practices to add as an option for staff.

IX. Public Comment – no public comment

X. Next Meeting: June 7—Goose Pond

XI. Adjourn 12:10 PM

Minutes Prepared By: Jennifer Pinkston

Approved By:

