Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
July 19, 2006

The Texas State Soil and Water Conservation Board met on July 19, 2006, at 2:30 p.m. in its Hearings Room at 311 North 5th Street, Temple, Texas.

Board Members present were:

Jerry Nichols, Vice Chairman
W. T. (Dub) Crumley, Member
Larry Jacobs, Member
Joe Ward, Member
José Dodier, Member

Board Members absent were:

Aubrey Russell, Chairman
Reed Stewart, Member

Staff members present were:

Rex Isom, Executive Director
Andy Garza, Program Supervisor
Judy Albus, Program Supervisor
John O'Connor, Program Supervisor
Johnny Oswald, Program Supervisor
Mark Cochran, Program Supervisor
Jack Foote, Program Specialist
Ben Wilde, Program Specialist
Joe Freeman, Program Specialist
Adrian Perez, Program Specialist
Kendria Ray, Program Specialist
David Powell, Program Specialist
Joel Clark, Program Specialist
Don Brandenberger, Program Specialist
Charlie Upchurch, Program Specialist
Kenny Zajicek, Fiscal Officer
John Foster, NPS Team Leader
Lee Munz, NPS SWCD Liaison
T.J. Helton, NPS Grant Coordinator
Aaron Wendt, NPS Watershed Coordinator
Laurie Fleet, NPS Project Manager
Richard Egg, Engineer
Mel Davis, Special Projects Coordinator
Clyde Gottschalk, Program Specialist
Vicki Davis, Administrative Coordinator

Others present were:

Denise Gentsch, BASF

A work session was conducted which covered all agenda items in detail. Questions were taken and answered.

The meeting adjourned at 5:00 p.m.

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
July 20, 2006

The Texas State Soil and Water Conservation Board met on July 20, 2006, at 8:00 a.m. in its Hearings Room at 311 North 5th Street, Temple, Texas.

Board members present were:

Jerry Nichols, Vice Chairman
W. T. (Dub) Crumley, Member
Larry Jacobs, Member
Joe Ward, Member
Reed Stewart, Member
José Dodier, Member

Board Members absent were:

Aubrey Russell, Chairman

Staff members present were:

Rex Isom, Executive Director
Andy Garza, Program Supervisor
Judy Albus, Program Supervisor
John O'Connor, Program Supervisor
Carter Miska, Program Supervisor
Johnny Oswald, Program Supervisor
Tuffy Wood, Program Specialist
Mark Cochran, Program Supervisor
Jack Foote, Program Specialist
Ben Wilde, Program Specialist
Joe Freeman, Program Specialist
Adrian Perez, Program Specialist
Kendria Ray, Program Specialist
David Powell, Program Specialist
Joel Clark, Program Specialist
Don Brandenberger, Program Specialist
Kenny Zajicek, Fiscal Officer
John Foster, NPS Team Leader
Lee Munz, NPS SWCD Liaison
T.J. Helton, NPS Grant Coordinator
Aaron Wendt, NPS Watershed Coordinator
Laurie Fleet, NPS Project Manager
Richard Egg, Engineer
Mel Davis, Special Projects Coordinator
Clyde Gottschalk, Program Specialist
Dawn Heitman, HR Coordinator
Vicki Davis, Administrative Coordinator

Others present were:

Clyde Bohmfalk, Texas Commission on Environmental Quality
Kevin Wagner, Texas Water Resources Institute
Tamara Daniel, Association of Texas Soil and Water Conservation Districts
George Noelke, Office of the Attorney General
Auburn Mitchell, Office of the Governor

Vice Chairman Nichols called the meeting to order at 8:03 a.m. and welcomed those present.

AGENDA ITEM 1. Reports from Agencies and Guests

Auburn Mitchell, Office of the Governor stated he has enjoyed working with State Board staff and volunteered to assist with State Board issues when needed.

Kevin Wagner, TWRI distributed a brochure produced by the Texas Water Resources Institute.

Clyde Bohmfalk, TCEQ, on behalf of Commissioners White, Soward and himself, apologized to the Board and staff for the embarrassment caused them in the Stakeholder Program. The plus side of the situation is the problem of how to provide/maintain waterbodies without undo affect on other users of those waterbodies was brought to light. The Commissioners conducted a work session on July 7th where this was the only topic of discussion. As a result of the work session, TCEQ staff were directed to work with the State Board staff to enhance and strengthen the MOU and the Commssioner's requested and responded to our invitation to set up a joint meeting and establish a group at TCEQ to work with the State Board. He stated this is not an ag issue but does affect agriculture, and other entities need to be involved in the process.

Tamara Daniel, ATSWCD reported on: NACD's desire to host conference calls in Texas with as many districts as possible, security issue, the South Central Meeting and Barry Mauler's testimony at the Farm Bill Hearing.

AGENDA ITEM 2. Minutes from the May 17-18, 2006 Board Meeting

Vice Chairman Nichols called for a motion to approve the minutes of the May 17-18, 2006 meeting as emailed. Mr. Crumley moved that the minutes be approved. Mr. Dodier seconded the motion. The motion passed unanimously.

AGENDA ITEM 3. District Director Appointments

Ms. Davis presented district director appointments for the Board's consideration and verified they were in order and met all qualifications. Mr. Dodier moved the appointments be approved as presented. Mr. Jacobs seconded and the following appointments were unanimously approved:

Terry Burris, Terry #151, Zone 1, Replace Jet Wilmeth
Billy Jarutowicz, Wilson County #301, Zone 2, Replace Harold Jarutowicz
Raymond Jones, Jr., Matagorda County #316, Zone 1, Replace Barbara Linn
James C. Overstreet, Frio #325, Zone 5, Replace Mario M. Siller
Calvin Mahalitc, Colorado #333, Zone 4, Replace Henry Sunderman
Herbert Arceneaux – Navasota #440 – zone 3 – replace Osborne Clark

Calvin Barnett, Jasper Newton #441, Zone 2, Replace Bernadine Carruth
Harrison Sloan, Navarro #514, Zone 3, Replace John Stroud
Victor Dawson, Collin County #535, Zone 4, Replace Kennett LeForge
Jody Bellah, Throckmorton #543, Zone 1, Replace Tommy Boyd

AGENDA ITEM 4. Human Resources Audit

Mr. Zajicek stated that Mr. Gregorczyk was unable to attend the meeting but would make his presentation at the September Board Meeting.

AGENDA ITEM 5. Review and Approve S.B. 503 Cost-Share Allocations for FY 07

Mr. Garza reviewed the agenda information. Mr. Dodier moved that the State Board approve the FY 07 503 Cost-Share allocations as presented. Mr. Ward seconded and the motion passed unanimously.

AGENDA ITEM 6. Review and Approve Requests for Waiver as per §523.6(e)(2)(B)(E), TAC

Mr. Garza reviewed the agenda information. Mr. Jacobs moved the requests for waiver from Tom Green and Sulphur-Cypress SWCDs be approved as presented. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 7. Review and Approve Request for Extension of Exception Granted as per §201.308(E) of the Ag Code

Mr. Garza reviewed the agenda information. Mr. Dodier moved the exception for Lynn County SWCD be extended through the end of FY 07. Mr. Jacobs seconded and the motion passed unanimously.

AGENDA ITEM 8. Approval of Statewide Water Quality Management Plan Cost Share Requests

Mr. Munz reviewed the agenda information. Mr. Crumley moved the Board approve the requests for statewide cost-share funds as presented and grant the Executive Director or his designee the authority to allocate any remaining funds that may be released before the end of the fiscal year. Mr. Stewart seconded the motion. The motion passed unanimously.

AGENDA ITEM 9. Flood Control Dam Report and Possible Approval of Rehabilitation Project(s)

Mr. Egg reviewed the agenda information. Mr. Dodier moved the Board approve the projects as presented. Mr. Crumley seconded the motion. The motion passed unanimously.

AGENDA ITEM 10. Subdivision Boundary Change for Winter Garden SWCD #326

Mr. Perez reviewed the agenda information. Mr. Dodier moved the Board approve the subdivision boundary changes for Winter Garden SWCD as presented. Mr. Jacobs seconded the motion. The motion passed unanimously.

AGENDA ITEM 11. Approval of Transfer Authority for the Fiscal Year 2006 Operating Budget

Mr. Zajicek reviewed the agenda information. Mr. Crumley moved the Board approve authority for the Executive Director to transfer funding across budget strategies and allocate to the highest priorities to ensure the effective and efficient use of all available resources with the stipulation that the Board will be notified of transfers that exceed $100,000. Mr. Dodier seconded the motion. The motion passed unanimously.

AGENDA ITEM 12. Fiscal Year 2007 Operating Budget

Mr. Zajicek reviewed the agenda information. Mr. Dodier moved the Board approve the Fiscal Year 2007 Operating Budget as presented. Mr. Crumley seconded the motion. The motion passed unanimously.

AGENDA ITEM 13. 2007 Technical Assistance Allocations

Mr. Zajicek reviewed the agenda information. Mr. Crumley moved the Board approve $1,036,241 for reimbursement of Fiscal Year 2007 Technical Assistance claims and allocate funds effective September 1, 2006 to each participating Soil and Water Conservation District as presented. Mr. Dodier seconded the motion. The motion passed unanimously.

AGENDA ITEM 14. 2007 Matching Fund Allocations

Mr. Zajicek reviewed the agenda information. Mr. Dodier moved the Board approve $916,364 for reimbursement of Fiscal Year 2007 District Conservation Assistance Grants and allocate available grant funding for each participating Soil and Water Conservation District as presented. Mr. Jacobs seconded the motion. The motion passed unanimously.

AGENDA ITEM 15. 2007 Director Mileage and Per Diem Allocations

Mr. Zajicek reviewed the agenda information. Mr. Stewart moved the Board approve $325,000 for reimbursement of Fiscal Year 2007 District Director Mileage & Per Diem claims and allocate funds effective September 1, 2006 to each participating Soil and Water Conservation District as presented. Mr. Ward seconded the motion. The motion passed unanimously.

AGENDA ITEM 16. Legislative Appropriations Request

Mr. Zajicek reviewed exceptional items 1-3, Mr. Oswald reviewed exceptional items 4, 6, 8 and 10, Mr. Foster reviewed exception items 5, 7 and 9.

Mr. Crumley moved the Board approve the proposed 2008 – 2009 baseline request and exception item requests as prioritized by the Board as presented. Mr. Stewart seconded and the motion passed unanimously.

Mr. Dodier moved the Board approve authority for the Chair or designated member to sign and approve the final Legislative Appropriation Request prior to the August 11 submission date. Mr. Dodier seconded and the motion passed unanimously

AGENDA ITEM 17. 2006 Annual State Meeting

Mr. Davis reviewed the agenda information.

Mr. Dodier moved the Board let the State Meeting Planning Committee decide on whether a motivational speaker should be hired for the State Meeting. Mr. Stewart seconded and the motion passed unanimously.

Mr. Ward moved that State Meeting decisions be made by consensus of opinion rather than motions from the Board. Mr. Stewart seconded and the motion passed unanimously.

Mr. Stewart moved that the Board accept the recommendations of the State Meeting Planning Committee as presented. Mr. Dodier seconded and the motion passed unanimously.

Mr. Dodier moved that State Meeting registration charges remain the same as last year. Mr. Jacobs seconded and the motion passed unanimously.

AGENDA ITEM 18. Future State Meetings

Mr. Davis reviewed the agenda information. Mr. Jacobs moved that the Board approve Waco as the State Meeting site for 2007 and decide on the 2008 site at a later date. Mr. Crumley seconded. The motion passed unanimously.

The Board requested that Mr. Davis present the top three locations from the district survey along with an update on Fort Worth at the next scheduled board meeting.

AGENDA ITEM 19. 2007 Conservation Awards Program

Mr. Davis reviewed the agenda information. Mr. Dodier moved the Board approve the Awards Program packet and changes to the Essay Contest instructions as presented. Mr. Stewart seconded. The motion passed unanimously.

AGENDA ITEM 20. Agency Rule Review
Chapter 518, Employee Training Rules (518.1-518.2)
Chapter 523, Agricultural & Silvicultural WQM (523.1-523.8)
Chapter 525, Audit Requirements for SWCDs (525.1-525.9)

Mr. Davis reviewed the agenda information. Mr. Dodier moved the Board approve publishing the rules in the Texas Register as they are currently written. Mr. Jacobs seconded. The motion passed unanimously.

AGENDA ITEM 21. Customer Service Survey

Mr. Davis reviewed the agenda information. Mr. Crumley moved the board approve using the existing survey form in order to obtain results that will be easily compared to the 2006 survey results. Mr. Jacobs seconded. The motion passed unanimously.

AGENDA ITEM 22. Reallocation of FY 2006 General Revenue Brush Control Funds

Mr. Oswald reviewed the agenda information. Mr. Stewart moved the Board approve the reallocation of $51,122.90 in FY 06 General Revenue funds into the Twin Buttes Watershed Project, $6,279 in General Revenue into North Concho River from cost-share assistance and $15,000 to Harris County SWCD #442, $10,000 to Waters Davis SWCD #318 from Grants to Districts. Mr. Jacobs seconded. The motion passed unanimously.

AGENDA ITEM 23. Allocation of FY 2007 General Revenue Brush Control Funds

Mr. Oswald reviewed the agenda information. Mr. Stewart moved the Board approve the FY 2007 brush control allocations as presented. Mr. Dodier seconded. The motion passed unanimously.

AGENDA ITEM 24. Brush Control Program FY 2007 Cost Share Rates on Salt Cedar Spraying

Mr. Oswald reviewed the agenda information. Mr. Stewart moved the Board raise the rate of salt cedar spraying to $235 per acre on the Pecos, Upper Colroado River Watershed above J.B. Thomas and Hubbard Creek Watershed. Mr. Dodier seconded. The motion passed unanimously.

AGENDA ITEM 25. Brush Control Program FY 2007 Cost Share Rates on Mechanical and Aerial Spray

Mr. Oswald reviewed the agenda information. Mr. Stewart moved the Board approve the proposed maximum cost per acre for specific practices as presented. Mr. Dodier seconded. The motion passed unanimously.

AGENDA ITEM 26. Waiver of Rules to Chapter 203.154 Subsection (b) of the Ag Code

Mr. Oswald reviewed the agenda information. Mr. Stewart moved the Board grant exception to Section 203.154 Subsection (b) as allowed by Section 302.154 Subsection (c) for salt cedar on the Pecos, Upper Colorado Watersheds above J.B. Thomas and Hubbard Creek Watershed and set the approved cost-share percentage rate for salt cedar at 25% of the actual cost, not to exceed 25% of the average maximum cost per acre for salt cedar in the Pecos, Upper Colorado River Watersheds above J.B. Thomas and Hubbard Creek Watershed and that no individual contract may receive more than 100% cost-share from state and federal programs combined. Mr. Dodier seconded. The motion passed unanimously.

AGENDA ITEM 27. Grant Waiver to Chapter 517.30(h) Requirements for Brush Control Plans

Mr. Oswald reviewed the agenda information. Mr. Stewart moved the Board grant waiver to Chapter 517.30(h) to allow the use of the NRCS-EQIP conservation plan of operations to be used in the Pecos, Upper Colorado Watershed and Hubbard Creek Watershed Salt Cedar brush plans. Mr. Jacobs seconded. The motion passed unanimously.

AGENDA ITEM 28. Officer Elections

Vice Chairman Nichols opened the nominations for chairman. Mr. Stewart nominated Aubrey Russell. Mr. Dodier seconded and Mr. Russell was elected unanimously. Vice Chairman Nichols opened the nominations for Vice Chairman and Mr. Crumley nominated Mr. Nichols. Mr. Jacobs seconded and Mr. Nichols was elected Vice Chairman with 5 yes and 1 abstain.

AGENDA ITEM 29. Army Compatible Use Buffer Update

Mr. Foster reviewed the agenda information stating that the proposal is in Washington undergoing review.

AGENDA ITEM 30. Dairy Manure Export Support Program Update

Mr. Helton reviewed the agenda information and took questions from the Board.

AGENDA ITEM 31. Joint TCEQ-TSSWCB Task Force on Bacterial Total Maximum Daily Loads

Mr. Foster reviewed the agenda information and stated that State Board staff met with TCEQ personnel per Board's directives at the July board meeting. Alan Jones asked to lead a task force to look into the issues brought up at that meeting. A joint board meeting for TCEQ Commissioners and State Board members has been proposed for September.

AGENDA ITEM 32. Texas Water Resources Institute Report on Bacterial Total Maximum Daily Loads

Mr. Wagner reviewed the agenda information, distributed the final draft of a brochure being developed by TWRI and gave a power point presentation as explained in the board meeting handout.

AGENDA ITEM 33. Total Maximum Daily Load Program Coordination with TCEQ

Mr. Foster stated that information for this agenda item had been covered by discussion under other agenda items.

AGENDA ITEM 34. Administration of Poultry Water Quality Management Plans and Resource Allocation

Mr. Foster reviewed the agenda information. Mr. Dodier expressed his appreciation of the work done on this issue and his readiness to assist in this area. He also requested that Mr. Cochran compile a report on how the poultry industry affects the statewide economy and present it at the next board meeting.

AGENDA ITEM 35. NACD South Central Meeting

Mr. Dodier announced that the NACD South Central Meeting would be held August 1-3 in Corpus Christi and encouraged board members to attend.

AGENDA ITEM 36. July 2006 Semiannual Report

Mr. Davis reviewed the agenda information.

AGENDA ITEM 37. Coastal Coordination Council Report

Mr. Egg reviewed the agenda information with input from Mr. Dodier.

AGENDA ITEM 38. TSSWCB-TWDB Water Conservation Report

Mr. Egg reviewed the agenda information.

AGENDA ITEM 39. Strategic Plan

Mr. Zajicek reviewed the agenda information.

AGENDA ITEM 40. Human Resources Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 41. Public Information/Education Report

Mr. Gottschalk reviewed the agenda information.

AGENDA ITEM 42. Brush Control Program Update

Mr. Oswald reviewed the agenda information.

AGENDA ITEM 43. Poultry Program Status Report

There was no presentation on this agenda item.

AGENDA ITEM 44. Total Maximum Daily Load Program

Mr. Wendt reviewed the agenda information.

AGENDA ITEM 45. Watershed Protection Plan Program

Mr. Wendt reviewed the agenda information.

AGENDA ITEM 46. Clean Water Act, Section 319 Grant Program

Mr. Helton reviewed the agenda information with input from Mr. Jacobs. Mr. Jacobs volunteered to attend the Stakeholder Group Meeting.

AGENDA ITEM 47. North Bosque/Leon Watershed Comprehensive Nutrient Management Plan Program

Mr. Foster reported on the following: updated numbers for the program, deadline would not be met for reviews, available Farm Bill funds will expire prior to the regulatory deadline and the board will receive an update at their next scheduled meeting.

AGENDA ITEM 48. Set Date of Next Board Meeting

Mr. Dodier moved that the next board meeting be scheduled for September 27 and 28 with the joint TCEQ/TSSWCB meeting to be held on the 27th. Mr. Jacobs seconded and the motion passed unanimously.

Vice Chairman Nichols called the meeting adjourned at 12:25 p.m.

Vice-Chairman

Secretary

9/28/06
Date

9/28/06
Date

I certify that the above is a true and correct copy of the minutes of the State Soil and Water Conservation Board meeting held on July 19-20, 2006.

9/28/06
Date

Executive Director