Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
July 19, 2007

The Texas State Soil and Water Conservation Board met on July 19, 2007, at 8:00 a.m. in its Hearings Room at 311 North 5th Street, Temple, Texas.

Board Members present were:

Jerry Nichols, Chairman
Aubrey Russell, Member
Reed Stewart, Vice Chairman
José Dodier, Member
Larry Jacobs, Member
Joe Ward, Member

Board Member absent was:

Barry Mahler, Member

Staff members present were:

Rex Isom, Executive Director
Andy Garza, Regional Office Coordinator
Judy Albus, Program Supervisor
Carl Steffey, Program Supervisor
Steve Jones, Program Supervisor
Lawrence Brown, Program Supervisor
Johnny Oswald, Program Supervisor
Tuffy Wood, Program Specialist
Jaime Tankersley, Planner
Mark Cochran, Program Supervisor
Jack Foote, Program Specialist
Bob Gruner, Program Specialist
Ben Wilde, Program Specialist
Joe Freeman, Program Specialist
Adrian Perez, Program Specialist
Kendria Ray, Program Specialist
Trey Watson, 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
Donna Long, NPS Project Manager
Pam Casebolt, 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:

Russell Gregorczyk, Jansen & Gregorczyk CPA
Clyde Bohmfalk, Texas Commission on Environmental Quality
Cameron Turner, Texas Water Development Board
Darron Harmel, Agricultural Research Service
Don Gohmert, Natural Resources Conservation Service
Salvador Salinas, Natural Resources Conservation Service
Mickey Black, Natural Resources Conservation Service
Al Leal, Natural Resources Conservation Service
Tomas Dominguez, Natural Resources Conservation Service
Elisha Kuehn, Natural Resources Conservation Service
Kanand Brooks, Natural Resources Conservation Service
Kevin Wagner, Texas Water Resources Institute
George Noelke, Office of the Attorney General
Tamara Daniel, Association of Texas Soil and Water Conservation Districts
Denise Gentsch, BASF

Chairman Nichols called the meeting to order at 8:02 a.m. and welcomed those present.

AGENDA ITEM 1: Opportunity for Public Comment

There were not comments presented at this time.

AGENDA ITEM 2: Comments from Federal, State and Local Governmental Entities

Clyde Bohmfalk, Texas Commission on Environmental Quality stated that TCEQ and TSSWCB are operating at a high level of cooperation at this time.

Don Gohmert, Natural Resources Conservation Service introduced himself as the new State Conservationist for Texas, emphasized the partnership between NRCS, TSSWCB and the local districts and reported on: soil surveys, civil rights reviews, 2007 Farm Bill and payment limitations.

Cameron Turner, Texas Water Development Board reported on: Advisory Council, Public Awareness Campaign and the National Flood Insurance Program being transferred from TCEQ to TWDB.

Darron Harmel, Agricultural Research Service announced that Jeff Aarnold has been name the permanent Director for ARS.

AGENDA ITEM 3: Texas Water Resources Institute Report

Kevin Wagner voiced his agency's appreciation for being allowed to assist with the Task Force.

AGENDA ITEM 4: Comments from the Association of Texas Soil and Water Conservation Districts

Tamara Daniel reported on: NACD Legislative Conference, current legislation and the South Central Regional NACD Meeting.

AGENDA ITEM 5: Minutes from the May 23-24, 2007 Board Meeting

Chairman Nichols called for a motion to approve the minutes of the May 23-24, 2007 Board Meeting as emailed. Mr. Dodier moved that the minutes be accepted as emailed. Mr. Ward seconded the motion. The motion passed unanimously.

AGENDA ITEM 6: Minutes from June 29, 2007 Board Meeting

Ms. Davis stated that the minutes from the June 29, 2007 meeting were not available at this time.

AGENDA ITEM 7: District Director Appointments

Ms. Davis presented district director appointments for the Board's consideration and verified they were in order and met all qualifications with the exception of Mr. Dement's being a fax copy. Mr. Dodier moved the following appointments be approved contingent upon on all paperwork being received in the Temple office. Mr. Russell seconded the motion and the motion passed unanimously.

Lucretia Hoffman, Toyah-Limpia #209, Zone 1, Replace Jack Hoffman
Karen Brod, Colorado #333, Zone 1, Replace Theo Schultz
Larry Dement, Karnes County #343, Zone 5, Replace Scott Hall **(FAX)**
John Hendrick, Palo Pinto #518, Zone 2, Replace Kenneth Taylor
Jon P. Johnson, Palo Pinto #518, Zone 3, Replace Pam McQueary

AGENDA ITEM 8: Deliberation and Possible Vote Regarding Internal Audit Report on Grant and Contract Management System

Mr. Gregorczyk reviewed the agenda information stating that the findings were minor.

AGENDA ITEM 9: Deliberation and Possible Vote Regarding Internal Audit Report on Information Resources Systems and Controls

Mr. Gregorczyk reviewed the agenda information. Mr. Stewart moved the Board approve the Internal Audit Report on Grant and Contract Management System and the Internal Audit Report on Information Resources Systems and Controls as presented. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 10: Deliberation and Possible Vote Regarding Agency Staff Recommendations for Conservation Assistance (Matching Fund) Grant Allocations to Soil and Water Conservation Districts for Fiscal Year 2008

Mr. Zajicek reviewed the agenda information. Mr. Russell moved the Board approve the Conservation Assistance (Matching Fund) Grant allocations to Soil and Water Conservation Districts for Fiscal Year 2008 as presented. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 11: Deliberation and Possible Vote Regarding Agency Staff Recommendations for Conservation Implementation Assistance (Technical Assistance) Grant Allocations to Soil and Water Conservation Districts for Fiscal Year 2008

Mr. Zajicek reviewed the agenda information. Mr. Russell moved the Board approve the Conservation Implementation Assistance (Technical Assistance) Grant allocations to Soil and Water Conservation Districts for Fiscal Year 2008. Mr. Jacobs seconded and the motion passed with the vote as follows: For – Aubrey Russell, Larry Jacobs, Joe Ward. Opposed – José Dodier, Reed Stewart.

AGENDA ITEM 12: Deliberation and Possible Vote Regarding Agency Staff Recommendations for Mileage & Per Diem Grant Allocations to Soil and Water Conservation District Directors for Fiscal Year 2008

Mr. Zajicek reviewed the agenda information. Mr. Dodier moved the Board approve a total allocation of $420,694 with a reimbursement rate of $0.445. The motion died for lack of a second. Mr. Russell moved the Board approve a total allocation of $325,000 with a reimbursement rate of $0.18 until the findings of the Legislative Budget Board were determined. Mr. Stewart seconded the motion. Mr. Ward moved the motion be amended to have a reimbursement rate of $0.25. Mr. Jacobs seconded the amendment. The vote on the amended motion failed with a tie as follows: In Favor - Joe Ward, Jerry Nichols, Larry Jacobs. Opposed - Reed Stewart, Aubrey Russell, José Dodier. Mr. Russell then made a motion that the program be left as it was in Fiscal Year 2007. Mr. Jacobs seconded and the motion was defeated with the following vote: In favor - Aubrey Russell. Opposed - Joe Ward, Larry Jacobs, José Dodier, Reed Stewart. Mr. Jacobs moved the Board approve a total allocation of $325,000 with a reimbursement rate of $0.25. Mr. Ward seconded and the motion was unanimously defeated. Mr. Ward moved that the program continue as is until the Board reaches a decision. Mr. Stewart seconded and the motion passed with the following vote: In favor - Aubrey Russell, Reed Stewart, Joe Ward. Opposed - José Dodier, Larry Jacobs.

AGENDA ITEM 13: Deliberation and Possible Vote Regarding Agency Staff Recommendations for the Texas State Soil and Water Conservation Board Operating Budget for Fiscal Year 2008

Mr. Zajicek reviewed the agenda information. Mr. Stewart moved that the Board approve the operating budget for Fiscal Year 2008 as presented. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 14: Fiscal Affairs Report

Mr. Zajicek reviewed the agenda information. Mr. Stewart moved the Board approve the authority for the Executive Director to reallocate Fiscal Year 2007 funds with changes limited to $200,000 or less without Board notification and over $200,000 requiring Board notification. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 15: District Legal Expenses and Insurance

Mr. Zajicek reported that agency personnel have met with representatives of several insurance companies concerning district director liability insurance. The two types of insurance being studied are Directors and Officers and General Liability. Mr. Noelke from the Office of the Attorney General will review the bids received and the target date for selecting a provider is September 4, 2007.

AGENDA ITEM 16: Deliberation and Possible Vote Regarding Subdivision Boundary Changes for Waters Davis Soil and Water Conservation District SWCD #318

Ms. Ray reviewed the agenda information. Mr. Dodier moved the Board approve the subdivision boundary changes for Waters Davis SWCD as presented. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 17: Deliberation and Possible Vote Regarding Request from Lynn County SWCD for State Board to Extend Exception Granted as per §201.308(E) of the Agriculture Code

Mr. Garza reviewed the agenda information. Mr. Russell moved the exception for Lynn County SWCD be extended through the end of Fiscal Year 2008. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 18: Deliberation and Possible Vote Regarding List of Practices Approved for Cost-Share Assistance

Mr. Garza reviewed the agenda information. Mr. Jacobs moved the two changes to the master list be approved as listed. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 19: Deliberation and Possible Vote Regarding Requests for Waiver as per 31 TAC §523.6(e)(2)(B)(E)

Mr. Garza reviewed the agenda information. Mr. Dodier moved the waiver requested by Marion Cass SWCD be granted as presented with the local district determining how to fund the cost-share assistance request. Mr. Jacobs seconded and the motion passed unanimously.

AGENDA ITEM 20: Deliberation and Possible Vote Regarding Designation of Additional Priority Districts in the Senate Bill 503 Program

Mr. Garza reviewed the agenda information. Mr. Stewart moved that McCulloch SWCD, San Saba SWCD and Pecan Bayou SWCD be designated priority districts in the Senate Bill 503 Program. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 21: Deliberation and Possible Vote Regarding Senate Bill 503 Cost-Share Allocations for Fiscal Year 2008

Mr. Garza reviewed the agenda information. Mr. Dodier moved that the Board approve cost-share allocations for the 503 Program in Fiscal Year 2008 as presented. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 22: Deliberation and Possible Vote Regarding Statewide Water Quality Management Plan Cost Share Requests

Mr. Munz reviewed the agenda information. Mr. Stewart moved the Board approve the statewide request and three producer requests 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. Jacobs seconded and the motion passed unanimously.

AGENDA ITEM 23: Deliberation and Possible Vote Regarding Consideration of the Adoption of New 31 TAC Chapter 520, §§ 520.11 – 520.13

Mr. Davis reviewed the agenda information. Mr. Dodier moved the Board adopt the rule as presented. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 24: Deliberation and Possible Vote Regarding 2007 Annual State Meeting

Mr. Davis reviewed the program and possible speakers for the 2007 Annual State Meeting and received input from Board members.

AGENDA ITEM 25: Deliberation and Possible Vote Regarding Future State Meeting Sites

Mr. Davis reviewed the agenda information. Mr. Russell moved the Board approve Arlington as the meeting site for the 2009 Annual State Meeting. Mr. Dodier asked that McAllen be considered as a meeting site for the 2010 State Meeting.

AGENDA ITEM 26: Deliberation and Possible Vote Regarding Administration of 2008 Conservation Awards Program

Mr. Davis reviewed the agenda information. Mr. Russell moved the Conservation Awards Program be continued as currently formatted and administered and the packet be revised as presented. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 27: July 2007 Semiannual Report

Mr. Davis reviewed the agenda information.

AGENDA ITEM 28: NACD Report

Ms. Daniels stated this information was covered in her Association Report

AGENDA ITEM 29: NASCA Report

Mr. Davis stated that NASCA dues would be covered at the next State Board meeting.

AGENDA ITEM 30: Coastal Coordination Council Report

Mr. Egg reviewed the agenda information.

AGENDA ITEM 31: Deliberation and Possible Vote Regarding Flood Control Dam Rehabilitation Projects Funded by the Natural Resources Conservation Service During Fiscal Year 2008

Mr. Egg reviewed the agenda information. Mr. Dodier moved the Board approve the flood control structure projects as presented. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 32: Clean Water Act (CWA) §319(h) Grant Report. Agency staff will provide a report to the Board on significant and relevant issues relating to the CWA §319(h) Grant Program including, but not limited to, the (1) agency's Fiscal Year 2007 application for funding to the Environmental Protection Agency (EPA) Region 6, (2) Fiscal Year 2007 Nonpoint Source Annual Report, (3) EPA Region 6 / State Nonpoint Source Program Managers Workshop, and (4) grant project management and current CWA §319(h) grant balances.

Mr. Helton reviewed the agenda information.

AGENDA ITEM 33: Watershed Protection Plan Program Report. Agency staff will provide a report to the Board on significant and relevant issues relating to the Watershed Protection Plan Program.

Mr. Wendt reviewed the agenda information.

AGENDA ITEM 34: Total Maximum Daily Load (TMDL) Program Report. Agency staff will provide a report to the Board on significant and relevant issues relating to the TMDL Program including, but not limited to, the (1) Board – Texas Commission on Environmental Quality Memorandum of Agreement on TMDLs, Watershed Protection Plans, and TMDL Implementation Plans, (2) Triennial Water Quality Standards Revisions, (3) 2006 Texas Clean Water Act, §303(d) List, and (4) future TMDLs that may be brought to the Board for consideration at future meetings.

Mr. Wendt reviewed the agenda information

AGENDA ITEM 35: Bacteria Total Maximum Daily Load (TMDL) Task Force. Agency staff will provide a report to the Board on the implementation of the Bacteria TMDL Task Force recommendations adopted jointly by the Board and Texas Commission on Environmental Quality during a Work Session on June 29, 2007.

Mr. Foster reviewed the agenda information.

AGENDA ITEM 36: Poultry Water Quality Management Plan (WQMP) Program Report. Agency staff will provide a report to the Board on significant and relevant issues relating to the Poultry WQMP Program

including, but not limited to, (1) overall statewide poultry WQMP development, and (2) future Poultry WQMP Program activities including future staffing levels.

Mr. Cochran reviewed the agenda information.

AGENDA ITEM 37: Brush Control Program Report

Mr. Oswald reviewed the agenda information.

AGENDA ITEM 38: Deliberation and Possible Vote Regarding Allocation of Fiscal Year 2008 General Revenue Brush Control Funds

Mr. Oswald reviewed the agenda information. Mr. Dodier moved the Board approve grants for district planners in the amount of $266,500. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 39: Deliberation and Possible Vote Regarding Granting of an Exception Under 31 TAC, Chapter 517.30(b)(2) Concerning Joint Participation in State and Federal Brush Control Programs

Mr. Oswald reviewed the agenda information. Mr. Dodier moved to table this agenda item until the September Board meeting. The motion died for lack of a second. Mr. Dodier moved to take no action on this agenda item until the September Board meeting. Mr. Jacobs seconded and the motion passed unanimously.

AGENDA ITEM 40: Deliberation and Possible Vote Regarding Brush Control Program FY2008 Cost Share Rates on Mechanical, Aerial Spray of Mesquite, and Aerial Spray of Salt Cedar

Mr. Oswald reviewed the agenda information. Mr. Russell moved this agenda item be tabled until the September Board meeting. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 41: Deliberation and Possible Vote Regarding a Proposed Amendment to 31 TAC Chapter 517, Subchapter B, §517.30(h)

Mr. Oswald reviewed the agenda information. Mr. Stewart moved the Board adopt the amendment as presented for publication in the Texas Register for review and comment. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 42: Deliberation and Possible Vote Regarding the Adoption of the Texas Invasive Species Coordinating Committee Cooperative Agreement

Mr. Oswald reviewed the agenda information. Mr. Ward moved this agenda item be tabled. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 43: Human Resources Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 44: Public Information/Education Report

Mr. Gottschalk reviewed the agenda information.

AGENDA ITEM 45: Deliberation and Possible Vote Regarding Salary, Employment and Evaluation of Executive Director

See July 18, 2007 minutes.

AGENDA ITEM 46: Set a Date for the Next State Board Meeting

Mr. Stewart moved the next Board meeting be set for September 19-20, 2007 in Temple. Mr. Russell seconded and the motion passed unanimously.

Mr. Dodier moved the meeting be adjourned. Mr. Stewart seconded and the motion passed unanimously.

Chairman Nichols called the meeting adjourned at 11:25 a.m.

Chairman

Secretary

9/20/07
Date

9/20/07
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, 2007.

9/20/07
Date

Executive Director