

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
July 21, 2004

The Texas State Soil and Water Conservation Board met on July 21, 2004, at 1:30 p.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Aubrey Russell, Vice Chairman
Reed Stewart, Member
Guillermo (Memo) Benavides, Member
Jerry Nichols, Member
W. T. (Dub) Crumley, Chairman

Staff members present were:

Rex Isom, Executive Director
John Foster, Natural Resources Specialist
Kenny Zajicek, Fiscal Officer
Andy Garza, Program Administrator
Kevin Wagner, NPS Team Leader
Lee Munz, 319 Project Manager
Tuffy Wood, Natural Resource Specialist
Vicki Davis, Administrative Coordinator

Chairman Crumley called the meeting to order at 1:50 p.m. and welcomed those present.

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

The meeting adjourned at 4:30 p.m.

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
July 22, 2004

The Texas State Soil and Water Conservation Board met on July 22, 2004, at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Aubrey Russell, Vice Chairman
Reed Stewart, Member
Guillermo (Memo) Benavides, Member
Jerry Nichols, Member
W. T. (Dub) Crumley, Chairman

Staff members present were:

Rex Isom, Executive Director
Dawn Heitman, Program Specialist
Richard Egg, Engineer
John Foster, Natural Resources Specialist
Kenny Zajicek, Fiscal Officer
Kevin Wagner, NPS Team Leader
Tuffy Wood, Natural Resource Specialist
Justin Lampier, Planner
Jay Bragg, 319 Grant Coordinator
Judy Albus, Program Administrator
Carter Miska, Program Administrator
Mark Cochran, Program Specialist
Bob Gruner, Program Specialist
Joe Freeman, Program Specialist
Ben Wilde, Program Specialist
Andy Garza, Program Administrator
Kendria Ray, Program Specialist
John O'Connor, Program Administrator
Adrian Perez, Program Specialist
Joel Clark, Program Specialist
David Powell, Program Specialist
Steve Jones, Program Administrator
Don Brandenberger, Program Specialist
Charlie Upchurch, Program Specialist
Mel Davis, Program Specialist
Vicki Davis, Administrative Coordinator

Others present were:

Salvador Salinas, Natural Resources Conservation Service

Steven Bednarz, Natural Resources Conservation Service
Dexter Svetlik, Natural Resources Conservation Service
Clyde Bohmfalk, Texas Commission on Environmental Quality
Kraig Gallimore, Texas Water Development Board
Tamara Daniel, Association of Texas Soil & Water Conservation Districts
Russell Gregorsky, Jansen & Gregorsky, CPA's

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

AGENDA ITEM 2. Minutes from the June 23 & 24, 2004 Board Meeting

Chairman Crumley called for a motion to approve the minutes of the June 23 & 24, 2004, meeting as mailed. Mr. Russell moved that the minutes be approved. Mr. Nichols seconded the motion. The motion passed unanimously.

AGENDA ITEM 1. Reports from Agencies and Guests

Clyde Bohmfalk, Texas Commission on Environmental Quality reported that TCEQ has adopted the rules and general permit for CAFO's.

Kraig Gallimore, Texas Water Development Board reported that staff is working on the contract with the State Board and it will be finalized soon. They are expecting 50% of the grant funds to be available in September.

Salvador Salinas, Natural Resources Conservation Service introduced Dexter Svetlik and Steven Bednarz and announced their transfer to Temple as Assistant State Conservationists. He then reported on: Dr. Butler is doing well, new hires in the Temple office, Farm Bill Act, TSP, Field Day in Knox City, Plant Materials Center event in Kingsville, EQIP Program, Conservation Security Program, creation of IT Services Agency and took questions from the Board.

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. Benavides moved the appointments be approved. Mr. Stewart seconded and the following appointments were unanimously approved:

Mrs. Vonnie Plunkett, Lower Sabine-Neches #446, Zone 2, Replace Bennie Plunkett
Chris Cannon, Dalworth #519, Zone 5, Replace Simon D. Cannon

AGENDA ITEM 4. Brush Program Audit

Mr. Gregorczyk stated there would be no report at this time.

AGENDA ITEM 5. Report on Performance Measures

Mr. Gregorczyk stated there would be no report at this time.

AGENDA ITEM 6. Follow-up on 2003 Audit Recommendations and Approval of the 2005 Audit Plan

Mr. Gregorczyk reviewed the FY 2003 Internal Audit Follow-up Status Report and the Internal Audit Plan for FY 2005. Mr. Gregorczyk took questions from the Board with input from Mr. Zajicek.

After discussion, Mr. Nichols moved that the Board approve both reports as presented and approve continuation of the contract with Jansen & Gregorczyk CPA's. Mr. Russell seconded and the motion passed unanimously.

Board stated they would like a synopsis of the 2005 plan made available to them.

AENDA ITEM 7. 2005 Conservation Awards Program

Mr. Davis reviewed the agenda information.

Mr. Nichols moved the following changes be made to the Texas Conservation Awards Program:

- 1) Have an "intent to enter" date of October 1.
- 2) Have two age categories for the Essay Contest – 13 and under - 300 words/14 to 18 – 500 words.
- 3) Reduce number of photos from 15 to 10 and 20 to 15 for the district entries.
- 4) Print cover sheet for each area and let State Board Member, Association Director and Field Representatives determine categories for their respective areas.

Mr. Benavides seconded and the motion passed unanimously.

AGENDA ITEM 8. 2004 State Meeting

Mr. Davis presented a Laredo map, a Laredo Civic Center diagram and a tentative program for the Board's review and discussed the recommendations of the State Meeting Planning Committee which were:

Monday – committee meetings, area discussion sessions and get acquainted reception
Tuesday – general sessions and Association business session
Wednesday – tour and shopping trip to Mexico

Mr. Russell moved that the Board accept the recommendations of the committee as presented, Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 9. Proposed Rule for Removal of District Directors

Mr. Davis reviewed the agenda information.

Mr. Benavides moved that the Board approve rules for removal of a district director as presented. Mr. Nichols seconded and the motion passed unanimously.

Mr. Nichols moved that the Board approve the Petition to Remove a District Director for Cause form as presented. After discussion, Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 10. Update to Brush Reference Guide

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

Mr. Nichols moved the Board adopt a policy prohibiting the district employee from certifying brush and deferment practices for district directors who they are employed by. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 11. Waiver of Chapter 517.30(h) for Salt Cedar in FY 05

Mr. Wood reviewed the agenda information.

Mr. Stewart moved the Board grant a waiver to Chapter 517.30(h) and allow the use of NRCS-EQIP conservation plan of operations to be used in the Pecos/Upper Colorado Salt Cedar brush plans for FY 05. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 12. Brush Control Program Eligible Practices and Average Cost for Salt Cedar

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

Mr. Stewart moved that the Board approve the adoption of salt cedar practices as outlined in the NRCS EQIP contract and TCES recommendations and set the average maximum cost for salt cedar at \$210.00 per acre for aerial application and \$150.00 for chemical IPT application. Mr. Nichols seconded and the motion passed unanimously.

AGENDA ITEM 13. Proposed Changes to Brush Control Cost Share Rate on Salt Cedar

Mr. Wood reviewed the agenda information.

Mr. Russell moved the Board grant exception to Section 203.154 Subsection (b) as allowed by Section 203.154 Subsection (c) for salt cedar in the Pecos/Upper Colorado 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 and that no individual contract may receive more than 100% cost share from state and federal programs combined. Mr. Benavides seconded and the motion passed unanimously.

AGENDA ITEM 14. Extension on the FY 03 Bond and FY 04 Bond Monies

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

Mr. Russell moved the Board grant approval to extend landowner contracts with FY 03 Bond monies until November 1, 2004 for deferment practices and grant approval to extend landowner contracts with FY 04 Bond monies to August 1, 2005 for brush control and deferment practices. Mr. Benavides seconded. Mr. Stewart abstained from voting and the motion passed.

AGENDA ITEM 15. Approval of Revised SB 503 Program Forms

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

Mr. Nichols moved the Board accept changes in the four forms as presented. Mr. Benavides seconded and the motion passed unanimously.

AGENDA ITEM 16. Addition of Shelby SWCD to Mt. Pleasant Priority Area

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

Mr. Nichols moved the Board accept staff's recommendation to add Shelby SWCD to the Mt. Pleasant priority area. Mr. Stewart seconded and the motion passed unanimously

AGENDA ITEM 17. Approval of Revised Life-Spans for BMP's Cost-Shared Through 503 and Other Programs.

Mr. Garza reviewed the agenda information.

Mr. Stewart moved the Board accept staff recommendations on proposed practice life spans as presented. Mr. Nichols seconded and the motion passed unanimously.

AGENDA ITEM 19. Allocation of FY 05 Water Quality Cost Share Funds

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

Mr. Nichols moved the Board approve the proposed SB 503 program allocations for FY 05 as presented. Mr. Benavides seconded and the motion passed unanimously.

AGENDA ITEM 18. Allocation of FY 04 Statewide Water Quality Cost Share Funds

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

Mr. Benavides moved the Board approve the requests for funds as presented and grant the Executive Director the authority to allocate any remaining funds that may be released before the end of the fiscal year. Mr. Nichols seconded and the motion passed unanimously.

AGENDA ITEM 20. Allocation of FY 05 Brush Control Funds

Mr. Wood stated there were no recommendations at this time.

AGENDA ITEM 21. Allocation of FY 05 Technical Assistance, Matching Fund and Director Mileage & Per Diem

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

Mr. Nichols moved the Board accept the Director Mileage & Per Diem Allocations as presented. Mr. Russell seconded and the motion passed unanimously.

Mr. Benavides moved the Board accept the Technical Assistance Allocations as presented. Mr. Nichols seconded and the motion passed unanimously.

Mr. Nichols moved the Board accept the Matching Fund Allocations as presented. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 22. Allocation of Subchapter H Technical Assistance Funds

Mr. Zajicek reviewed the agenda information with input from Mr. Gallimore and Mr. Isom. Mr. Zajicek stated a letter will go out to districts concerning their ability to use funds to meet reporting criteria.

After discussion, Mr. Stewart moved to accept a four-tier eligibility requirement for districts receiving funding from the Agricultural Water Conservation Grant based on the following criteria with all weights being equal:

- 1) Counties with projected water shortages as projected by the TWDB
- 2) Districts with land in one of the "Principle Irrigated Areas" as shown in the Texas Water Plan
- 3) Districts immediately above reservoirs for which data is available and shows an annual sediment accumulation to or greater than 100 acre feet or districts having sediment delivery to streams equal to or greater than 0.75 tons per acre per year.
- 4) Districts with approved irrigation strategies listed in the Texas Water Plan

Mr. Nichols seconded and the motion passed unanimously.

AGENDA ITEM 23. FY 04 Operating Budget

Mr. Zajicek reviewed the agenda information.

Mr. Nichols moved the Board grant authority to the Executive Director to move funding across budget items to allocate available funds to the highest priority and ensure efficient and effective use of all available resources. Mr. Russell seconded the motion. After discussion Mr. Benavides moved to amend the motion to read: grant authority to the Executive Director to move funding across budget items to allocate available funds to the highest priority and ensure efficient and effective use of all available resources with the changes limited to \$200,000 or less without Board notification and over \$200,000 requiring Board notification. Mr. Nichols seconded the motion as amended and the amended motion passed unanimously.

AGENDA ITEM 24. FY 05 Operating Budget

Mr. Zajicek reviewed the agenda information.

Mr. Nichols moved the Board approve the proposed fiscal year 2005 operating budget as presented. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 25. 2006 – 2007 Legislative Appropriation Request

Mr. Zajicek reviewed the agenda information, stated the actual 5% reduction amount will be \$946,000.00 and took questions from the Board.

Mr. Nichols moved the Board approve the Legislative Appropriation Request as presented. Mr. Stewart seconded and the motion passed unanimously.

Mr. Russell moved the Board approve the exceptional items prioritized as listed. Mr. Stewart seconded and the motion passed unanimously.

Mr. Benavides moved the Board allow the Chairman Crumley to sign the final LAR. Mr. Nichols seconded and the motion passed unanimously.

AGENDA ITEM 26. NACD South Central Meeting

Mr. Benavides reported on the Arkansas meeting covering the following: funds available for the regional plan, hiring of a part-time employee and stated that he will serve as a member of the executive board for two more years.

AGENDA ITEM 27. Semi-Annual Report

Mr. Davis reviewed the agenda information.

AGENDA ITEM 28. North Bosque River Watershed Update

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

AGENDA ITEM 29. Allocation of FY 05 SB 1339 Poultry Funds

Mr. Foster reviewed the agenda information.

AGENDA ITEM 30. Water Conservation Task Force

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

AGENDA ITEM 31. Clean Water Act 319(h) Status Report

Mr. Bragg reviewed the agenda information and took questions from the Board. Board requested that districts be informed if they will be included in the audit process.

AGENDA ITEM 32. Brush Control Program Status Report

Mr. Lampier reviewed the agenda information.

AGENDA ITEM 33. General Status Report

Mr. Isom called for the following reports:

Human Resources Report – Dawn Heitman
Public Information/Education Report – Dawn Heitman
TMDL Program Status Report – Kevin Wagner

Water Quality Management Program Status Report – no report
Fiscal Report – no report

AGENDA ITEM 34. Set Date of Next Board Meeting

Mr. Benavides moved that the date of the next Board meeting be set as September 23, 2004 with a work session to be held September 22, 2004. Mr. Russell seconded and the motion passed unanimously.

Mr. Nichols moved the meeting be adjourned, Mr. Russell seconded and the motion passed unanimously.

Meeting adjourned at 12:30 p.m.

W.J. Crumley
Chairman

Jackie Davis
Secretary

9/23/04
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 21 & 22, 2004.

9/23/04
Date

[Signature]
Executive Director