Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
November 29, 2007

The Texas State Soil and Water Conservation Board met on November 29, 2007, at 8:00 a.m. in its Hearings Room at 311 North 5th Street, Temple, Texas.

Board Members present were:

Jerry Nichols, Chairman
Reed Stewart, Vice Chairman
Aubrey Russell, Member
José Dodier, Member
Barry Mahler, Member
Larry Jacobs, Member
Joe Ward, 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
Tuffy Wood, Program Specialist
Jack Foote, Program Specialist
Bob Gruner, Program Specialist
Ben Wilde, Program Specialist
Joe Freeman, 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
Aaron Wendt, NPS Watershed Coordinator
Pam Casebolt, NPS Project Manager
Loren Henley, NPS Project Manager
Mitchell Conine, NPS Project Manager
Donna Long, NPS Project Manager
Meredith McArthur, Information Specialist
Richard Egg, Engineer
Mel Davis, Special Projects Coordinator
Clyde Gottschalk, Program Specialist
Dawn Heitman, HR Coordinator
Vicki Davis, Administrative Coordinator

Others present were:

Comer Tuck, Texas Water Development Board

Salvador Salinas, Natural Resources Conservation Service
Kevin Wager, Texas Water Resources Institute
Daren Harmel, US Department of Agriculture - ARS
Alan Jones, Texas Water Resources Institute - TAES - TCE
Richard Eyster, Texas Department of Agriculture
George Noelke, Office of the Attorney General

Chairman Nichols called the meeting to order at 8:07 a.m. and welcomed those present.

AGENDA ITEM 1: Opportunity for Public Comment

There were no comments presented at this time.

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

Comer Tuck, Texas Water Development Board reported on the Water Conservation Advisory Council Meeting, revision of their agency rules and the upcoming Water Summit 2007 Conference in San Antonio.

Salvador Salinas, Natural Resources Conservation Service reported on: NRCS is operating on a continuing resolution until December 14th, EQIP and CSP are the only active programs from the 2002 Farm Bill, they are only filling critical vacancies at this time, 2008 Farm Bill, aging watershed letter, FSA office closures, Rural Development office closures, TSP and an upcoming meeting with State Board staff.

Alan Jones, Texas Water Resources Institute, offered their continuing support of the State Board and districts through research and discussed the federal appropriation effect on their budget at A&M.

AGENDA ITEM 3: Comments from the Association of Texas Soil and Water Conservation Districts

There were no comments presented at this time.

AGENDA ITEM 4: Minutes from the September 19-20, 2007 Board Meeting

Chairman Nichols called for a motion to approve the minutes of the September 19-20, 2007 Board Meeting as emailed. Mr. Ward moved that the minutes be accepted as emailed. Mr. Dodier seconded the motion. The motion passed unanimously.

AGENDA ITEM 5: 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 following appointments be approved. Mr. Stewart seconded the motion and the motion passed unanimously.

Nicky Goode, Dawson County #124, Zone 1, Replace Shawn Holladay
Stan Tate, Salt Fork #133, Zone 4, Replace Rudie Tate
Stacey Dunn, Cochran County #149, Zone 3, Replace Kevin Silhan
Kevin Silhan, Cochran County #149, Zone 2
Gary Warren Evans, Cottle County #163, Zone 2, Replace Dudley Chewning
Jimmy Pope, Upper Clear Fork #165, Zone 3, Replace Jimmy D. Counts
Mark Morgan, Howard #243, Zone 5, Replace John Wayne Metcalf
James A. Wundt, Gonzales County #338, Zone 1, Replace Frank Stockton
Richard G. Brooks, Hamilton-Coryell #506, Zone 3, Replace Moody E. Courtney
Bill Fennell, Wise #548, Zone 2, Replace Dan B. Maeyers

AGENDA ITEM 6: Deliberation and Possible Vote Regarding the Texas State Soil and Water Conservation Board Ethics Policy

Mr. Zajicek reviewed the agenda information. Mr. Stewart moved the Ethics Policy for the Texas State Soil and Water Conservation Board be approved as presented. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 7: Deliberation and Possible Vote Regarding the Texas State Soil and Water Conservation Board Operating Budget

Mr. Zajicek reviewed the agenda information

AGENDA ITEM 8: Deliberation and Possible Vote Regarding Mileage & Per Diem Grant Allocations to Soil and Water Conservation District Directors for Fiscal Year 2008

Mr. Zajicek reviewed the agenda information. Mr. Mahler moved the State Board allot $83,000 for use as supplemental director mileage and per diem for FY 08 with instructions that this is for FY 08 only and future allocations will be contingent upon Legislative action. He further clarified that the Board was not setting a rate, only offering supplemental funds to districts. Mr. Dodier seconded the motion.

Mr. Russell voiced his concern that the State Board is in the current situation. He stated his constituents feel it would be inappropriate to use any unobligated funds for this purpose and he does not approve of the motion.

Mr. Dodier stated there was an unfunded mandate passed without any nay votes in Austin. He feels the district directors will work to get Legislative approval for funding in 2009.

Chairman Nichols call for a vote: Ward, Dodier, Mahler and Jacobs in favor, Russell and Stewart opposed. The motion carried.

AGENDA ITEM 9: Review and Consider Request to Amend Policy Regarding Use of Statewide Cost-Share Funds

Mr. Garza reviewed the agenda information. Mr. Dodier moved the policy remain as is at this time and that funds not utilized by other districts be reallocated at a future board meeting. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 10: Review and Approve Cost-Share Allocation for Upper Colorado SWCD #115

Mr. Garza reviewed the agenda information. Mr. Russell moved a $10,526.00 allocation be granted Upper Colorado Soil and Water Conservation District with $10,000 for cost-share and $526.00 for administration. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 11: Deliberation and Possible Vote Regarding Statewide Water Quality Management Plan Cost-Share Requests

Mr. Munz reviewed the agenda information. Mr. Mahler moved the Board approve the first three requests as listed and defer the remaining three until the May 2008 board meeting. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 12: Review and Consider Adoption of Proposed Amendments to 31 TAC, Chapter 519, Subchapter A, Technical Assistance Program, §519.8, Eligible Pay Rates

Mr. Davis reviewed the agenda information. Mr. Ward moved the rule be adopted with the changes as presented. Mr. Mahler seconded and the motion passed unanimously.

AGENDA ITEM 13: Re-adoption, Revision, or Repeal of 31 TAC, Chapter 517, Cost-Share Assistance for Brush Control §§517.22-517.37

Mr. Davis reviewed the agenda information. Mr. Stewart moved the Board approve publishing the scheduled rule as being considered for readoption, revision or repeal in the *Texas Register* for a 30-day review and comment period. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 14: Re-adoption, Revision, or Repeal of 31 TAC, Chapter 527, Removal of a District Director §§527.1-527.7

Mr. Davis reviewed the agenda information. Mr. Mahler moved the Board approve publishing the scheduled rule as being considered for readoption, revision or repeal in the *Texas Register* for a 30-day review and comment period. Mr. Jacobs seconded and the motion passed unanimously.

AGENDA ITEM 15: Review Plans for the 2008 Annual State Meeting

Mr. Davis requested board input concerning the 2008 Annual State Meeting. Since all input received concerning the 2007 State Meeting was positive, the Board instructed Mr. Davis to proceed with plans for the 2008 in the same manor as 2007.

AGENDA ITEM 16: Review and Consider Future State Meeting Sites

Mr. Davis reviewed the agenda information and asked for input. The Board asked that Mr. Davis not commit to McAllen for the 2010 meeting at this time. They also instructed him to look into San Antonio as a possible site and to look at historical data to determine sites with the best turnout.

AGENDA ITEM 17: Review 2007 Annual State Meeting

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

AGENDA ITEM 18: NACD Report

Mr. Dodier reported on NACD's monitoring of Farm Bill progress, meeting in Reno scheduled for February and the remodeling of the NACD office in Capitol Plaza.

AGENDA ITEM 19: NASCA Report

Mr. Davis reported on the upcoming NASCA meeting in March of 2008.

AGENDA ITEM 20 : Coastal Coordination Council Report

Mr. Egg reviewed the agenda information.

AGENDA ITEM 21: Clean Water Act (CWA) §319(h) NPS Grant Program Report.

Mr. Foster, Ms. Casebolt, Mr. Conine, Ms. Henley and Mr. Munz reviewed the agenda information and took questions from the Board.

AGENDA ITEM 22: Watershed Protection Plan (WPP) Program Report.

Mr. Wendt, Ms. Casebolt, Ms. Henley and Mr. Munz reviewed the agenda information and took questions from the Board.

AGENDA ITEM 23: Total Maximum Daily Load (TMDL) Program Report

Mr. Wendt, Ms. Long and Mr. Foster reviewed the agenda information and took questions from the Board.

AGENDA ITEM 24: Poultry Water Quality Management Plan (WQMP) Program

Mr. Garza reviewed the agenda information.

AGENDA ITEM 25: Brush Control Program Report

Mr. Wood reviewed the agenda information.

AGENDA ITEM 26: Review and Adopt a Proposed Update of the State Brush Control Plan and Set a Date for Public Hearing

Mr. Wood reviewed the agenda information. Mr. Stewart moved the Board adopt the updated plan as presented and set the January State Board Meeting as the public hearing date. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 27: Deliberation and Possible Vote Regarding Allocation of Fiscal Year 2008 General Revenue Brush Control Funds

Mr. Wood reviewed the agenda information. Mr. Dodier moved the Board approve the 2008 allocations as presented. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 28: Waiver of Rules to Chapter 203.154, Subsection (b) of the Agriculture Code

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 on the main channel of 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 10% of the actual cost, not to exceed 10% of the average maximum cost per acre for salt cedar on the main channel of the Pecos, Upper Colorado River Watersheds above J.B. Thomas and Hubbard Creek Watershed and that no individual contract may receive more then 85% cost-share from state Water Enhancement Programs and federal EQIP programs combined. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 29: Brush Control Program FY 2008 Cost-Share Rates on Mechanical, Aerial Spray and Aerial Spray of Salt Cedar

Mr. Wood reviewed the agenda information. Mr. Stewart moved the Board adopt the average cost per acre rates as presented. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 30: Human Resources Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 31: Public Information/Education Report

Mr. Gottschalk reviewed the agenda information.

AGENDA ITEM 32: Set a Date for the Next State Board Meeting

Board set the next Board meeting date as January 16-17, 2008 with the brush hearing to be held at 1:00 p.m. on January 16th.

Chairman Nichols called the meeting adjourned at 11:00 a.m.

Chairman

Date 1/17/08

Secretary

Date 1/17/08

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 November 28-29, 2007.

Date 1/17/08

Executive Director