Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
May 18, 2005

The Texas State Soil and Water Conservation Board met on May 18, 2005, at 2:30 p.m. in its Hearings Room at 311 North 5th Street, Temple, Texas.

Board members present were:

Aubrey Russell, Vice Chairman
Reed Stewart, Member
José Dodier, Member
Jerry Nichols, Member
W. T. (Dub) Crumley, Chairman

Staff members present were:

Rex Isom, Executive Director
Kevin Wagner, NPS Team Leader
John Foster, Natural Resources Specialist
Kenny Zajicek, Fiscal Officer
Richard Egg, Engineer
Andy Garza, Program Administrator
Lee Munz, 319 Project Manager
T. J. Helton, Planner
Chris Higgins, Planner
Johnny Oswald, Program Administrator
Mel Davis, Program Specialist
Bob Gruner, Program Specialist
Ben Wilde, Program Specialist
Joe Freeman, Program Specialist
Adrian Perez, Program Specialist
David Powell, Program Specialist
Joel Clark, Program Specialist
Don Brandenberger, Program Specialist
Charlie Upchurch, Program Specialist
Dawn Heitman, Program Specialist
Vicki Davis, Administrative Coordinator

Others present were:

Russell Gregorczyk, Jensen & Gregorczyk Certified Public Accountants

Chairman Crumley called the meeting to order at 2:40 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 5:15 p.m.

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
May 19, 2005

The Texas State Soil and Water Conservation Board met on May 19, 2005, at 8:00 a.m. in its Hearings Room at 311 North 5th Street, Temple, Texas.

Board members present were:

Aubrey Russell, Vice Chairman
Reed Stewart, Member
José Dodier, Member
Jerry Nichols, Member
W. T. (Dub) Crumley, Chairman

Staff members present were:

Rex Isom, Executive Director
Kevin Wagner, NPS Team Leader
Dawn Heitman, Program Specialist
John Foster, Natural Resources Specialist
Kenny Zajicek, Fiscal Officer
Richard Egg, Engineer
Andy Garza, Program Administrator
Judy Albus, Program Administrator
John O'Conner, Program Administrator
Steve Jones, Program Administrator
Carter Miska, Program Administrator
Mark Cochran, Program Specialist
Bob Gruner, Program Specialist
Joe Freeman, Program Specialist
Ben Wilde, Program Specialist
Kendria Ray, Program Specialist
Adrian Perez, Program Specialist
Joel Clark, Program Specialist
David Powell, Program Specialist
Don Brandenberger, Program Specialist
Charlie Upchurch, Program Specialist
Johnny Oswald, Program Administrator
Lee Munz, 319 Project Manager
T. J. Helton, Planner
Chris Higgins, Planner
Mel Davis, Program Specialist
Vicki Davis, Administrative Coordinator

Others present were:

Memo Benavides, Immediate Past State Board Member
Gene Edmiston, Chairman, McCulloch SWCD #249

Jesse Tate, Director, McCulloch SWCD #249
Joe Johnson, Director, McCulloch SWCD #249
Clyde Bohmfalk, Texas Commission on Environmental Quality
George Noelke, Office of the Attorney General
Jay Bragg, Brazos River Authority
Susan Baggett, Natural Resources Conservation Service
Dr. Larry Butler, Natural Resources Conservation Service
Salvador Salinas, Natural Resources Conservation Service
Ronnie Skala, Natural Resources Conservation Service
Denise Gentsch, Consultant
Jim Crosby, BASF
Amie Dunn, BASF
Ray Erwin, BASF
Derek Miller, BASF

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

Dawn Heitman and Bea White, Association of Texas Soil and Water Conservation Districts presented certificates to the three winners of the coloring sheet contest.

Chairman Crumley expressed the State Board's appreciation to Memo Benavides for his service and dedication during his tenure on the Board and welcomed José Dodier as the new board member representing Area III.

AGENDA ITEM 1. Reports from Agencies and Guests

Clyde Bohmfalk, Texas Commission on Environmental Quality stated their agency was quite busy during the legislative session and appreciated the continued working relationship with the State Board.

Denise Gentsch, Consultant, voiced her appreciation of the State Board and introduced the other members of her group representing BASF.

Dr. Larry Butler, Natural Resources Conservation Service discussed: budget shortfalls, filling of vacancies due to retirements, summer trainees, EQIP, CRP, 2007 Farm Bill, GRP, WRP and NRCS's 70th year anniversary.

Jay Bragg, Brazos River Authority stated he is looking forward to the opportunity of working with the State Board and staff as a representative of BRA.

Memo Benavides voiced his appreciation to Rex and the Board for the job they were doing and their support during his tenure as Board Member.

AGENDA ITEM 2. Brush Audit

Chairman Crumley announced that Russell Gregorszyk was unable to attend today's session and presented the findings of the brush audit at the work session held on Wednesday.

AGENDA ITEM 3. Minutes from the March 22-23, 2005 Board Meeting

Chairman Crumley called for a motion to approve the minutes of the March 22-23, 2005 meeting as emailed. Mr. Russell moved that the minutes be approved. Mr. Stewart seconded the motion. The motion passed unanimously.

AGENDA ITEM 4. 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 William F. Wickersham's forms being copies. Mr. Nichols moved the appointments be approved contingent upon the receipt of original paperwork from district #450. Mr. Dodier seconded and the following appointments were unanimously approved:

Bobby Binder, Rio Blanco #107, Zone 1, replace Gary Ivey
James Peters, Maverick #228, Zone 5, replace Michael Hoelscher
Don Cox, Andrews #246, Zone 4, replace Lee Niblett
Margie Bourn, Winter Garden #326, Zone 1, replace Curtis Bourn
Barney L. Crouch, Freestone County #424, Zone 2, replace Robert F. Pearson, Jr.
William F. Wickersham, Brazos County #450, Zone 1, replace Mike Kristynik **(copies)**
Mark Wise, Kaufman-Van Zandt #505, Zone 3, replace Jon Capps

AGENDA ITEM 5. 2005 Annual State Meeting

Mr. Davis requested input from the Board for State Meeting planning purposes. Their suggestions were as follows:

1. Continue with the concentrated two-day format.
2. Look into the possibility of a post meeting conservation tour at the King Ranch or Wilder Wildlife Refuge.

Mr. Davis stated he would present tour options at the July Board Meeting.

AGENDA ITEM 6. Appointment of Board Representative to the Coastal Coordination Council

Mr. Egg reviewed the agenda information. The Board appointed Mr. José Dodier as its representative to the Coastal Coordination Council.

AGENDA ITEM 7. Approval of Texas Nonpoint Source Management Program

Mr. Wagner reviewed the agenda information and stated staff is in the process of getting the document out for public comment. Once that process has been completed, the document will be ready for final approval by the Board and TCEQ.

AGENDA ITEM 8. Approval of CNMP Technical Criteria and Program Guidance

Mr. Foster reviewed the agenda information. Mr. Nichols moved that the Board adopt the revision to the CNMP Technical Criteria and Program Guidance document as presented. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 9. Allocation of 05 Funds

Mr. Zajicek presented the budget/expenditure report through April 30, 2005. He requested the Board approve moving $7,666 from program support to 503 Cost-Share to cover one water quality management plan in the Mt. Pleasant area. Mr. Stewart moved the Board approve the transfer of funds, Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 10. Approval of Requests for Waiver as per §523.6 (e) (2) (E) of the Cost-Share Rules

Mr. Garza reviewed the agenda information. Mr. Russell moved the waivers be granted as presented. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 11. Approve Allocation of Supplemental Cost-Share Funds on Per Regional Basis

Mr. Garza reviewed the agenda information. Mr. Dodier moved the board approve reallocation of supplemental cost-share funds as presented. Mr. Nichols seconded and the motion passed unanimously.

AGENDA ITEM 12. Approval of Statewide Water Quality Management Plan Cost-Share Requests

Mr. Munz reviewed the agenda information. Mr. Nichols moved the board approve the seven new requests for statewide allocations as presented. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 13. Board Officer Elections

Chairman Crumley voiced his appreciation to his fellow board members, Rex Isom, State Board staff, Association and NRCS for their assistance during his chairmanship. He then opened the nominations for chairman and nominated Aubrey Russell. No other nominations were made and Mr. Russell was elected unanimously. Chairman Russell asked Mr. Crumley to continue conducting the board meeting.

Mr. Crumley opened the nominations for Vice Chairman. Mr. Stewart nominated Mr. Nichols. No other nominations were made and Mr. Nichols was elected unanimously.

AGENDA ITEM 14. Conservation Awards Program

Mr. Davis reviewed the agenda information. He asked for input from Board members and field staff and stated their input would be reviewed at the July board meeting.

AGENDA ITEM 15. NACD South Central Meeting

Mr. Davis reviewed the agenda information with input from Mr. Dodier. Mr. Dodier encouraged the Board's attendance next year since the meeting will be held in Texas.

AGENDA ITEM 16. McCulloch SWCD #249 Flood Control Structure Liability Issue

Mr. Freeman introduced the three members of the McCulloch SWCD who were in attendance.

Mr. Tate presented a general history of the McCulloch District's involvement in the watershed program and explained they have no taxing authority and are the sole sponsor of 28 structures. The district board members are concerned that if any of the structures fail, neither the district nor the individual directors would be able to bear the financial responsibility. They asked for guidance from the Board.

After discussion of the problems facing the local board, Dr. Butler was asked for input. Dr. Butler stated that the local board should make a written request for NRCS engineers to do a full inspection of the sites. He also suggested that NRCS and Board staff have a workshop covering watershed issues.

Mr. Tate asked the Board to seek a legal opinion from the AG's Office concerning responsibility faced by the board in event of a structure failure. Mr. Noelke explained it was unlikely that individual board members would have any liability. He suggested that as an agency, this issue be kept in the forefront and the McCulloch district work with NRCS to review and possibly renegotiate the contract.

AGENDA ITEM 17. General Status Report on Brush Program

Mr. Oswald reviewed the agenda information and took questions from the Board and stated that at the July board meeting he will present several options for changes to the brush contracts to encourage the release of funds.

AGENDA ITEM 18. Summary of Committee Meeting Held to Review S.B. 503 Program

Mr. Garza reviewed the agenda information and stated that changes to the rules for complaint resolution will be presented at the July board meeting.

AGENDA ITEM 19. TSSWCB and TCEQ Memorandum of Understanding

Mr. Foster reviewed the agenda information and took questions from the Board. The issue of air quality complaints was discussed and the board members felt that the State Board should be the first responder to air quality complaints to make sure the complaint did not relate to the WQMP. Mr. Foster will discuss this issue with TCEQ and report to the board at their July meeting.

AGENDA ITEM 20. Comprehensive Nutrient Management Plan Program Update

Mr. Foster reviewed the agenda information.

AGENDA ITEM 21. Dairy Manure Export Support Program Update

Mr. Foster reviewed the agenda information.

AGENDA ITEM 22. Budget Update for 2006-07

Mr. Zajicek reviewed the agenda information.

AGENDA ITEM 23. Human Resources Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 24. Public Information/Education Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 25. Coastal Coordination Council Report

Mr. Egg stated there would be no report.

AGENDA ITEM 26. Poultry Program Status Report

Mr. Cochran stated there would be no report.

AGENDA ITEM 27. Clean Water Act, §319(h) NPS Grant Program Status Report

Mr. Wagner reviewed the agenda information.

AGENDA ITEM 28. Total Maximum Daily Load (TMDL) Program Status Report

Mr. Wagner reviewed the agenda information.

AGENDA ITEM 29. Fiscal Report

Mr. Zajicek reviewed the agenda information.

AGENDA ITEM 30. Legislative Update

Mr. Foster and Mr. Isom gave a brief update.

AGENDA ITEM 31. Set Date of Next Board Meeting

Mr. Dodier moved that the date of the next Board meeting be tentatively set as July 21st with a work session to be held July 20th in San Angelo. Mr. Nichols seconded and the motion passed unanimously.

Mr. Crumley declared the meeting adjourned at 11:47 a.m.

Aubrey L. Ramsey
Chairman

Secretary

7/21/05
Date

7/21/05
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 May 18 & 19, 2005.

7/21/05
Date

Executive Director