

**Meeting Minutes**  
**TEXAS STATE SOIL & WATER CONSERVATION BOARD**  
**September 16, 2009**

The Texas State Soil and Water Conservation Board met on September 16, 2009, at 2:00 p.m. at 1749 Scott Blvd, Temple, Texas.

Board Members present were:

José Dodier, Jr., Chairman  
Barry Mahler, Vice-Chairman  
Aubrey Russell, Member  
Marty H. Graham, Member  
Jerry Nichols, Member  
Joe Ward, Member

Staff members present were:

Rex Isom, Executive Director  
Andy Garza, Regional Office Coordinator  
Judy Albus, Program Supervisor  
Lawrence Brown, Program Supervisor  
Johnny Oswald, Program Supervisor  
Tuffy Wood, Program Specialist  
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, Programs Officer  
Lee Munz, NPS SWCD Liaison  
T.J. Helton, NPS Program Coordinator  
Aaron Wendt, Watershed Planning Coordinator  
Loren Henley, NPS Project Manager  
Mitchell Conine, NPS Project Manager  
Meredith McArthur, Information Specialist  
Richard Egg, Engineer  
Mel Davis, Special Projects Coordinator  
Vicki Davis, Administrative Coordinator  
Karen Preece, Accountant

Others present were:

Russell Gregorczyk, Jensen & Gregorczyk, CPA  
Clyde Bohmfalk, Texas Commission on Environmental Quality  
Tamara Daniel, Association of Texas Soil and Water Conservation Districts  
Jule Richmond, Association of Texas Soil and Water Conservation Districts

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

Meeting adjourned at 4:50 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
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 September 16, 2009.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Executive Director

**Meeting Minutes**  
**TEXAS STATE SOIL & WATER CONSERVATION BOARD**  
**September 17, 2009**

The Texas State Soil and Water Conservation Board met on September 17, 2009, at 8:00 a.m. at 1749 Scott Blvd, Temple, Texas.

Board Members present were:

José Dodier, Jr., Chairman  
Barry Mahler, Vice-Chairman  
Aubrey Russell, Member  
Marty H. Graham, Member  
Jerry Nichols, 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  
Johnny Oswald, Program Supervisor  
Tuffy Wood, Program Specialist  
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  
Joel Clark, Program Specialist  
Don Brandenberger, Program Specialist  
Charlie Upchurch, Program Specialist  
Kenny Zajicek, Fiscal Officer  
John Foster, Programs Officer  
Lee Munz, NPS SWCD Liaison  
T.J. Helton, NPS Program Coordinator  
Aaron Wendt, Watershed Planning Coordinator  
Pam Casebolt, NPS Project Manager  
Loren Henley, NPS Project Manager  
Mitchell Conine, NPS Project Manager  
Meredith McArthur, Information Specialist  
Richard Egg, Engineer  
Mel Davis, Special Projects Coordinator  
Dawn Heitman, HR Coordinator  
Vicki Davis, Administrative Coordinator  
Karen Preece, Accountant

Others present were:

Don Gohmert, Natural Resources Conservation Service  
Salvador Salinas, Natural Resources Conservation Service

Clyde Bohmfalk, Texas Commission on Environmental Quality  
Tamara Daniel, Association of Texas Soil and Water Conservation Districts  
Guillermo Benavides Z, Association of Texas Soil and Water Conservation Districts  
Jule Richmond, Association of Texas Soil and Water Conservation Districts  
Darren Harmel, United States Department of Agriculture-ARS  
John Miller, Natural Resources Conservation Service

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

**AGENDA ITEM 1: Opportunity for Public Comment**

There was no public comment at this time.

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

Clyde Bohmfalk, Texas Commission on Environmental Quality, informed the Board of personnel changes:  
Carlos Rubenstein - New Governor Appointed Commissioner  
Bryan Shaw - Chairman, New Governor Appointed Commissioner  
Buddy Garcia – New Governor Appointed Commissioner  
Zak Kovar, Deputy Executive Director

Mr. Bohmfalk stated that TCEQ is also undergoing the Sunset Review at this time, and stated that they are working on a Revision of Water Quality Standards.

Guillermo Benavides, Association of Texas Soil and Water Conservation Districts, asked that the Association, the State Board, and NRCS stay united and continue in its efforts. Mr. Benavides also asked the Board to review issues of misunderstanding.

Darren Harmel, United States Department of Agriculture-ARS addressed the Board.

Jule Richmond, Association of Texas Soil and Water Conservation Districts, addressed the Board.

Don Gohmert, Natural Resources Conservation Service, extended an invitation to the Board to attend the Regional Training Conference in San Antonio in December. Mr. Gohmert reviewed the NRCS September 2009 Activity Report, stated that NRCS is in the process of completing their last soil survey in Texas, and said that Technical Service Provider funds should be the same as last year at \$350,000.00.

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

Comments from the Association were conducted under Agenda Item 2.

**AGENDA ITEM 4: Minutes from the July 15-16, 2009 Board Meeting**

Chairman Dodier called for a motion to approve the minutes of the July 15-16, 2009 Board Meeting. Mr. Mahler moved that the minutes be accepted as presented. Mr. Graham seconded the motion. The motion passed unanimously.

**AGENDA ITEM 5: District Director Appointments**

Ms. Preece presented district director appointments for the Board's consideration and verified they were in order and met all qualifications. Mr. Ward moved the following appointments be approved as presented. Mr. Russell seconded the motion. The motion passed unanimously.

Gerald Beckman, Kendall #216, Zone 3  
Lane Brewster, High Point #230, Zone 2, Replace Rolan Brewster

David Wilson, Eldorado-Divide #247, Zone 3, Replace Mary Leigh Dunagan  
James M Browning, Panola #448, Zone 2, Replace Bill Whitaker  
Larry Allen, Nacogdoches #401, zone 3, Replace David Wallace

**AGENDA ITEM 6:** Approval of the Internal Audit of the Water Supply Enhancement Program

Mr. Russell moved that the Executive Director have discretionary authority to implement recommendations of the Internal Audit of the Water Supply Enhancement Program. Mr. Mahler seconded the motion. The motion passed unanimously.

**AGENDA ITEM 7:** Approval of the Internal Audit of the Water Quality Management Planning Program

Mr. Russell moved that the Executive Director have discretionary authority to implement recommendations of the Internal Audit of the Water Quality Management Planning Program. Mr. Mahler seconded the motion. The motion passed unanimously.

**AGENDA ITEM 8:** Approval of the Internal Audit Report on Implementation of Prior Year's Audit Recommendations

Mr. Ward moved for the approval of the Internal Audit report as presented. Mr. Mahler seconded the motion. The motion passed unanimously.

**AGENDA ITEM 9:** Approval of Internal Audit for FY 2010

Mr. Mahler moved for the approval of the Internal Audit for FY 2010 as presented with the discretion to implement as necessary. Mr. Graham seconded the motion. The motion passed unanimously.

**AGENDA ITEM 10:** Agency Sunset – Self Evaluation Report

Mr. Foster gave a general overview of the report. Mr. Isom thanked the staff for the time, speed, and efficiency that was given to the report.

**AGENDA ITEM 11:** Proposed Rule Amendment for 31 TAC §525.1-525.9 Audit Requirements of Soil and Water Conservation Districts

Mr. Zajicek reviewed the agenda information. Mr. Mahler moved to accept the proposed rule amendment as presented. Mr. Nichols seconded the motion. The motion passed unanimously.

**AGENDA ITEM 12:** Fiscal Year 2009 Operating Budget

Mr. Zajicek reviewed the agenda information.

**AGENDA ITEM 13:** Report on Lapsed Funds for FY 2007 Funding Cycle

Mr. Garza reviewed the agenda information.

**AGENDA ITEM 14:** Consider Approval of Requests for Waiver per 31 TAC §523.6(e)(2)(E)

Mr. Garza reviewed the agenda information. Mr. Nichols moved for the approval of requests as presented. Mr. Mahler seconded the motion. The motion passed unanimously.

**AGENDA ITEM 15:** Consider Statewide Water Quality Management Plan Cost Share Requests

There were no requests at this time.

**AGENDA ITEM 16:** Consider Cost Share Practice List and Cost Share Rates for the Guadalupe River Water Enhancement Program

Mr. Oswald reviewed the agenda information. Mr. Graham moved to accept the Cost Share Practice List and Rates as presented. Mr. Nichols seconded the motion. The motion passed unanimously.

**AGENDA ITEM 17:** Water Supply Enhancement Program Report

Mr. Oswald reviewed the agenda information.

**AGENDA ITEM 18:** Flood Control Programs Status Report

Mr. Foster reviewed the agenda information. Mr. Foster stated that the Public Comment period is from July 31-August 31, 2009. Mr. Foster stated that there would be a Workshop at the 2009 Annual State Meeting for the District Directors to attend.

**AGENDA ITEM 19:** Consider Adoption of New 31 TAC §§529.1–529-8 Related to a Flood Control Operation and Maintenance Grant Program

Mr. Foster reviewed the agenda information. Mr. Mahler moved that the rules be approved as presented with the deletion of 529.2 (9) (A) wording “removal of woody brush or other undesirable vegetation greater than 4 inches in diameter must be performed under the supervision of a professional engineer” on page 3 of the attached rules. Mr. Graham seconded the motion. The motion passed unanimously.

**AGENDA ITEM 20:** Consider Approval of Allocations to Soil and Water Conservation Districts for Flood Control Dam Operations and Maintenance Grants

Mr. Foster reviewed the agenda information. Mr. Mahler moved to accept the allocations as presented. Mr. Russell seconded the motion. The motion passed unanimously.

**AGENDA ITEM 21:** Consider Adoption of Standardized Rates for In-Kind Contributions of Match Funding Related to Flood Control Operations and Maintenance Activity Reimbursement Requests

Mr. Foster and Mr. Egg reviewed the agenda information. Mr. Mahler moved to accept the rates as presented, and to continue to review on a regular basis at Board Meetings. Mr. Russell seconded the motion. The motion passed unanimously.

**AGENDA ITEM 22:** Texas Nonpoint Source Management Program Status Report

Mr. Helton and Mr. Wendt reviewed the agenda information.

**AGENDA ITEM 23:** Consider Approval of Amendments to Existing State Board Policy on Total Maximum Daily Loads

Mr. Foster reviewed the agenda information. Mr. Mahler moved to accept the amendments as presented. Mr. Ward seconded the motion. The motion passed unanimously.

**AGENDA ITEM 24:** District Request for Name Change

Mr. Davis reviewed the agenda information. Mr. Nichols moved to accept the name change as presented. Mr. Mahler seconded the motion. The motion passed unanimously.

**AGENDA ITEM 25: 2009 Annual State Meeting**

Mr. Davis reviewed the agenda information. It was suggested to invite Richard (Kinky) Friedman to the Annual State Meeting. Mr. Graham moved to pay appropriate State Meeting expenditures out of General Revenue. Mr. Nichols seconded the motion. The motion passed unanimously.

**AGENDA ITEM 26: Future Annual State Meetings**

Mr. Davis reviewed the agenda information. Mr. Nichols moved that the 2011 Annual State Meeting be held in Ft. Worth or San Antonio, and the 2012 Annual State Meeting be held in Bastrop or Austin, and that a survey be given to each district director at the Annual State Meeting for future site recommendations, and for those not able to attend the meeting, that an email be sent to every district director for their site recommendations. Mr. Mahler seconded the motion. The motion passed unanimously.

**AGENDA ITEM 27: Association of Texas Soil and Water Conservation Districts Report**

Ms. Daniel reviewed the agenda information. Ms. Daniel stated that the Association Board will be holding their Board Meeting at the State Board Headquarters in Temple on September 30, 2009.

**AGENDA ITEM 28: National Association of Conservation Districts Report**

Ms. Daniel reviewed the agenda information. Ms Daniel stated that the NACD Meeting is scheduled to be held January 31-February 3, 2010 in Orlando, Florida.

**AGENDA ITEM 29: National Association of State Conservation Agencies Dues and Report**

Mr. Davis reviewed the agenda information. Mr. Davis stated that last year the State Board approved paying the dues at 50%; the amount of \$1,500.00. Mr. Russell moved to approve the payment of dues this year at 50%; the amount of \$1,500.00. Mr. Graham seconded the motion. The motion passed unanimously.

**AGENDA ITEM 30: Public Information/Education Report**

Mr. Davis reviewed the agenda information.

**AGENDA ITEM 31: Human Resources Report**

Ms. Heitman reviewed the agenda information.

**AGENDA ITEM 32: Consider Proposed Rule Amendment for 31 TAC §523.3(j)**

Mr. Cochran reviewed the agenda information. Mr. Nichols moved to accept the rule amendment as amended by deleting "School" and "Healthcare Facility" as recommended by attorney. Mr. Ward seconded the motion. The motion passed unanimously. This rule amendment will go for a 30 day comment period. Note: Law went into effect September 1, 2009 awaiting rules.

**AGENDA ITEM 33: Poultry Water Quality Management Plan Program Report**

Mr. Cochran reviewed the agenda information. Mr. John Miller and Mr. Don Gohmert, both of Natural Resources Conservation Service, and Mr. Darren Harmel, United States Department of Agriculture-ARS, commented on outdoor storage of poultry litter and discharge to water and air.

**AGENDA ITEM 34: Set a Date for the Next State Board Meeting**

Board set the next Board Meeting date as November 18-19, 2009. Location to be determined.

Mr. Nichols moved the meeting be adjourned. Mr. Russell seconded the motion. The motion passed unanimously. Meeting adjourned at 10:36 a.m.

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Chairman

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Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
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 September 17, 2009.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Executive Director