

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
September 18, 2008

The Texas State Soil and Water Conservation Board met on September 18, 2008, at 8:00 a.m. at 720 East Blackland Road, Temple, Texas.

Board Members present were:

Jerry Nichols, Chairman
José Dodier Jr., Vice-Chairman
Aubrey Russell, Member
Marty Graham, Member
Barry Mahler, 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
Todd Oneth, Natural Resources Specialist
Lawrence Brown, Program Supervisor
Johnny Oswald, Program Supervisor
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
Donna Long, Programs QA Officer
Meredith Whitley, Information Specialist
Richard Egg, Engineer
Mel Davis, Special Projects Coordinator
Dawn Heitman
Vicki Davis, Administrative Coordinator

Others present were:

Clyde Bohmfalk, Texas Commission on Environmental Quality
Don Gohmert, Natural Resources Conservation Service
Salvador Salinas, Natural Resources Conservation Service
Claude Ross, Natural Resources Conservation Service
Mark Habiger, Natural Resources Conservation Service
Jeff Arnold, ARS
Daren Harmel, USDA-ARS
Cameron Turner, Texas Water Development Board
Whitney Milberger-Laird, Texas Water Development Board
Tamara Daniel, Association of Texas Soil and Water Conservation Districts
George Noelke, Office of the Attorney General

Chairman Nichols called the meeting to order at 8:08 a.m. and welcomed those present.

AGENDA ITEM 1: Opportunity for Public Comment

No comments were presented at this time.

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

Don Gohmert, Natural Resources Conservation Service reported on: watershed dam inventory, budget/staffing, cost-share and animal disposal due to hurricane.

Clyde Bohmfalk, Texas Commission on Environmental Quality reported on: Brush Program review, TMDL projects, new water quality planning division and standards revisions.

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 July 16-17, 2008 Board Meeting

Chairman Nichols called for a motion to approve the minutes of the July 16-17, 2008 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. Jacobs seconded the motion. The motion passed unanimously.

John Lieb, Hutchinson #146, Zone 1, Replace Ira Harbour
Juan Medina, Zapata #335, Zone 1, Replace Jorge A. Uribe
Margaret Martin, Webb #337, Zone 2, Replace Sandra Leyendecker
Israel Salazar, Jr., Willacy #349, Zone 2, Replace Ricardo Chapa
Roy Lee Brawham, Smith County #426, Zone 4, Replace Jack Betts
Larry L. Wilkins, Jr., Brazos Valley #557, Zone 3, Replace John H. Luton

AGENDA ITEM 6: Consider Internal Audit of Accounting and Payroll Systems and Controls

AGENDA ITEM 7: Consider Internal Audit of Poultry Water Quality Management Planning Program

AGENDA ITEM 8: Consider FY 2009 Proposed Internal Audit Plan

Mr. Zajicek reviewed the agenda information for agenda items 6, 7 and 8. Mr. Russell moved the three audits be approved as presented. Mr. Graham seconded the motion. The motion passed unanimously.

AGENDA ITEM 9: Follow-up Review of Prior Year Audit Recommendations

Mr. Zajicek stated this item had been reviewed at the work session.

AGENDA ITEM 10: Consider Legislative Budget Request for the 2010-11 Biennium

Mr. Zajicek reviewed the agenda information.

Mr. Mahler moved the Board approve \$5.4 million for the Water Supply Enhancement Program and one FTE for a GIS/Database position for the NonPoint Source Management Program as exceptional items to the budget. Mr. Jacobs seconded and the motion passed unanimously.

Mr. Jacobs moved the Board approve the ranking as presented. Mr. Dodier seconded and the motion passed unanimously.

Mr. Jacobs move the Board approve the reduction schedule and alternate reduction schedule as presented. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 11: Consider Proposed Boundary Change for Coke County SWCD #219

Mr. Wilde reviewed the agenda information. Mr. Graham moved the Board approve the Coke County subdivision changes as presented. Mr. Russell seconded the motion. The motion passed unanimously.

AGENDA ITEM 12: Consider Approval of Request for Waiver per 31 TAC §523.6(e)(2)(B),(E)

Mr. Garza reviewed the agenda information. Mr. Russell moved the requests for waiver by the Sulphur-Cypress and Nacogdoches SWCDs be approved as presented. Mr. Dodier seconded the motion. The motion passed unanimously.

AGENDA ITEM 13: Report on 503 Program Lapsed Funds for FY 06

Mr. Garza reviewed the agenda information.

AGENDA ITEM 25: Poultry Water Quality Management Plan Program Report

Mr. Cochran discussed the influx of odor complaints being received in the Poultry Office. He stated his office has been working with TCEQ concerning how to address numerous complaints made on the same farm. Mr. Dodier asked what TCEQ had suggested. Mr. Cochran stated they had suggested joint visits to the farms. Mr. Mahler asked if TCEQ was as short-handed as the State Board. Mr. Cochran stated they were. Mr. Mahler stated in that case it would be advantageous for the two agencies to work together. Mr. Nichols suggested a visit by State Board personnel on the first complaint and if that did not take care of the problem a joint visit should be made on the second complaint.

Mr. Nichols asked Clyde Bohmfalk if he thought that process would work. Mr. Bohmfalk stated TCEQ does not have the personnel to make all the inspections and do the enforcement required at this time. He suggested the two agencies work out a process that would be advantageous to both through a letter of agreement.

Mr. Dodier asked if the visits generated a paper trail and could that paper trail be used to avoid multiple visits. Mr. Cochran stated the paper trail could become a burdensome process to a small staff. Mr. Jacobs asked if the complaints were ending up in the newspaper. Mr. Cochran stated they were. Mr. Jacobs asked if we followed up with a report to the newspaper. Mr. Cochran stated we did not. Mr. Mahler asked if multiple complaints had happened before in the Poultry Program. Mr. Cochran stated they had when Sanderson first opened. Mr. Bohmfalk gave a short history of the Board's involvement in this process and stated there has always been a struggle as to how to respond to odor complaints. Mr. Dodier asked if our office ever suggested the complainants call TCEQ. Mr. Cochran stated they have told people that the problem has been turned over to TCEQ. Mr. Jacobs asked Mr. Cochran to give Board members a clarification of the current process. Mr. Cochran stated when a complaint is submitted, personnel from our agency visit the farm and send a letter to the complainant with a copy to the TCEQ office in Waco. Mr. Jacobs asked if TCEQ sends copies of their correspondence to the Poultry Office. Mr. Cochran said they do not.

AGENDA ITEM 26: Human Resources Report

Ms. Heitman reviewed the agenda information

AGENDA ITEM 14: Consider Statewide Water Quality Management Plan Cost-Share Requests

Mr. Munz reviewed the agenda information. Mr. Mahler moved for the approval of the statewide request. Mr. Russell seconded the motion. The motion passed unanimously.

AGENDA ITEM 15: Consider Water Supply Enhancement Program FY 09 Cost Share Rates on Mechanical, Aerial Spray and Aerial Spray of Salt Cedar

Mr. Oswald reviewed the agenda information. Mr. Russell moved the Board approve the FY 09 cost share rates as presented. Mr. Ward seconded the motion. The motion passed unanimously.

AGENDA ITEM 16: Water Supply Enhancement Program Report

Mr. Oswald reviewed the agenda information.

AGENDA ITEM 17: Consider Inclusion of Additional Territory in Kleberg-Kenedy SWCD #356

Mr. Davis stated this agenda item was on hold at this time.

AGENDA ITEM 18: 2008 Annual State Meeting

Mr. Davis stated he had received official cancellation notice from the City of Galveston. He had four alternatives to present at this time: Waco for October 20-22, Arlington for November 3-5, Hyatt Town Lake for November 24-26 and Hyatt Lost Pines Bastrop for October 27-29. Mr. Russell moved the Annual State Meeting be held at the Hyatt Lost Pines Bastrop on October 27-29. Mr. Dodier seconded. The motion passed unanimously.

AGENDA ITEM 19: Association of Texas Soil and Water Conservation Districts Report

Mr. Davis reported the Association would meet tomorrow in Temple to discuss the current budget and the Annual State Meeting.

AGENDA ITEM 20: National Association of Conservation Districts Report

Mr. Davis stated there was no new information on this item.

AGENDA ITEM 21: National Association of State Conservation Agencies Report

Mr. Davis stated there was no new information on this item.

AGENDA ITEM 22: Flood Control Dam O&M Update

Mr. Egg reviewed the agenda information.

AGENDA ITEM 23: Consider Action on One Total Maximum Daily Load for Bacteria in the Lower San Antonio River

Mr. Foster and Mr. Wendt reviewed the agenda information. After discussion Mr. Jacobs moved the Board table the adoption of this agenda item until staff reviews the likelihood of the standards changing. Mr. Mahler seconded the motion. The motion passed unanimously.

AGENDA ITEM 24: Texas Nonpoint Source Management Program Update

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

AGENDA ITEM 27: Public Information/Education Report

Mr. Davis reviewed the agenda information.

AGENDA ITEM 28: Set a Date for the Next State Board Meeting

Board set the next Board meeting date as November 19 & 20, 2008 in Temple, TX.

Mr. Dodier moved the meeting adjourn, Mr. Graham seconded the motion. Chairman Nichols called the meeting adjourned at 10:25 a.m.


Chairman

Date

11/20/08


Secretary

Date

11/20/08

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 September 17-18, 2008.

11/20/08

Date



Executive Director