

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
September 20, 2007

The Texas State Soil and Water Conservation Board met on September 20, 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
Brian Koch, Watershed Coordinator
Johnny Oswald, Program Supervisor
Mark Cochran, Program Supervisor
Teresa Reese, Natural Resource Specialist
Janet Ritter, Natural Resource Specialist
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, NPS Team Leader
Lee Munz, NPS SWCD Liaison
T.J. Helton, NPS Grant Coordinator
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
Richard Egg, Engineer
Mel Davis, Special Projects Coordinator
Clyde Gottschalk, Program Specialist
Dawn Heitman, HR Coordinator

Vicki Davis, Administrative Coordinator

Others present were:

Scott McWilliams, Upper Colorado River Authority
Cameron Turner, Texas Water Development Board
Salvador Salinas, Natural Resources Conservation Service
Daren Harmel, USDA - ARS
Robert Harmel
Walter Garrett
George Noelke, Office of the Attorney General
Denise Gentsch, BASF
Nancy Isom
Mr. & Mrs. Isom

Chairman Nichols called the meeting to order at 8:00 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

Cameron Turner, Texas Water Development Board reported on groundwater metering.

Salvador Salinas, Natural Resources Conservation Service reported on: CRP, 2007 & 2008 Farm Bills, GSW, EQIP, apportionment for 2008 Farm Bill, local meetings, flood control structures, cost-share payment changes, watershed meetings, and staffing levels.

Darron Harmel, Agricultural Research Service stated the amount of rain has hampered research at this time and introduced his grandfather who accompanied him to the meeting.

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 18-19, 2007 Board Meeting

Chairman Nichols called for a motion to approve the minutes of the July 18-19, 2007 Board Meeting as emailed. Mr. Dodier moved that the minutes be accepted as emailed. Mr. Ward seconded the motion. The motion passed unanimously.

AGENDA ITEM 5: Minutes from June 29, 2007 Board Meeting

Chairman Nichols called for a motion to approve the minutes of the June 29, 2007 Board Meeting as emailed. Mr. Dodier moved that the minutes be accepted as emailed. Mr. Mahler seconded the motion. The motion passed unanimously.

AGENDA ITEM 6: 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. Stewart moved the following appointments be approved. Mr. Russell seconded the motion and the motion passed unanimously.

Gary Jahnel, Hemphill #138, Zone 3, Replace Walt Moore
Chris Urbanczyk, Tierra Blanca #143, Zone 2, Replace David L. Wagner
Sterling Lovelace, Yoakum #150, Zone 3, Replace Donald Burgess
Vennum Fitzgerald, Yoakum #150, Zone 5, Replace Brad Crump
Rayanne Chesser, Karnes County #343, Zone 2, Replace Manuel Davila
Charlie L. Price, Bedias Creek #428, Zone 2, Replace Fred Magouirk

AGENDA ITEM 7: Report on Status of Implementing FY 2006 Internal Audit Recommendations

Mr. Zajicek reviewed the agenda information.

AGENDA ITEM 8: Proposed Internal Audit Plan for FY 2008

Mr. Zajicek reviewed the agenda information. Mr. Dodier moved the Board approve the Internal Audit Plan for FY 2008 as presented. Mr. Jacobs seconded and the motion passed unanimously.

AGENDA ITEM 9: Deliberation and Possible Vote Regarding Mileage & Per Diem Grant Allocations to Soil and Water Conservation District Directors for Fiscal Year 2008

This agenda item was tabled until the November Board Meeting.

AGENDA ITEM 10: Deliberation and Possible Vote Regarding Maximum Reimbursement Rate for Technical Assistance Program

Mr. Zajicek reviewed the agenda information. Mr. Mahler moved the Board approve that the maximum reimbursement rate for Technical Assistance be raised to \$15 per hour. Mr. Stewart seconded and the motion passed unanimously.

Mr. Davis distributed a copy of the proposed rule change for the approval of maximum reimbursement rates for Technical Assistance funds. Mr. Dodier moved the rule change be published in the Texas Register for comment. Mr. Mahler seconded and the motion passed unanimously.

AGENDA ITEM 11: Discussion on the Texas State Soil and Water Conservation Board Operating Budget for Fiscal Year 2007

Mr. Zajicek reviewed the agenda information.

AGENDA ITEM 12: Discussion on the Supplement for Legal Fees for Soil and Water Conservation Districts and the Purchase of Liability Insurance for Soil and Water Conservation District Directors

Mr. Zajicek reviewed the agenda information.

AGENDA ITEM 13: Consideration and Possible Action on Appeal from Producers Relative to Cost-Share Assistance

Chairman Nichols reviewed the procedures to be followed concerning an appeal from a producer.

1. Garrett Appeal

Mr. Garrett reviewed the information in his letter to the Wharton Regional Office and their response to him. These documents are included in board meeting folder.

Mr. Garza reviewed the details listed on the time line which is included in the board meeting folder.

Mr. Garrett was given the opportunity for final comment and he stated the easiest way out of a problem was to point to policies. He felt the district's errors and omissions policy should cover this event and he does not feel he should have to pay for an employee mistake.

Mr. Garza took questions from the Board.

Mr. Dodier moved the Board deny Mr. Garrett's appeal and the overpayment be corrected with an adjustment to Mr. Garrett's final payment. Mr. Stewart seconded and the motion passed unanimously.

Mr. Dodier requested a letter of apology be sent to Mr. Garrett. (Copy of letter included in meeting folder.)

2. Dutton Appeal

Mr. Jones reviewed the background material.

Mr. Stewart moved the Board approve the cancellation of plan certification for Mr. Dutton and that no payments be made. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 14: Requests for Waiver as per 31 TAC §523.6(e)(2)(B)(E)

Mr. Garza reviewed the agenda information. Mr. Dodier moved the Board approve the waivers requested by Wood, Parmer, Willacy, Sulphur-Cypress and Panola SWCDs as presented. Mr. Jacobs seconded and the motion passed unanimously.

AGENDA ITEM 15: Lapsed Funds Report for Fiscal Years '03 through '05

Mr. Garza reviewed the agenda information.

AGENDA ITEM 16: Statewide Water Quality Management Plan Cost Share Requests

Mr. Munz reviewed the agenda information. Mr. Mahler moved the Board approve the statewide requests as presented. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 17: Review and Finalize Plans for the 2007 Annual State Meeting

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

AGENDA ITEM 18: Review and Consider Future State Meeting Sites

Mr. Davis reviewed the agenda information.

AGENDA ITEM 19: Review and Consider Adoption of Proposed Amendments to 31 TAC; Chapter 517; Subchapter B, § 517.30(h)

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

AGENDA ITEM 20: NASCA Dues

Mr. Davis reviewed the agenda information. Mr. Dodier moved the Board approve payment of NASCA dues in the amount of \$1,500 which would be the same as last year's payment. Mr. Jacobs seconded and the motion passed unanimously.

AGENDA ITEM 21: NACD Report

Mr. Dodier reported on NACD's involvement in Farm Bill legislation and stated there is still a push underway for FSA to take over the Farm Bill programs.

AGENDA ITEM 22: NASCA Report

Mr. Dodier had nothing further to report on NASCA.

AGENDA ITEM 23 : Coastal Coordination Council Report

Mr. Egg and Mr. Dodier reviewed the agenda information.

AGENDA ITEM 24: Clean Water Act (CWA) §319(h) Grant Report.

Mr. Helton reviewed the agenda information.

AGENDA ITEM 25: Watershed Protection Plan Program Report.

Mr. Wendt and Mr. Koch reviewed the agenda information with input from Daren Harmel.

AGENDA ITEM 26: Total Maximum Daily Load (TMDL) Program Report

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

AGENDA ITEM 27: Poultry Water Quality Management Plan (WQMP) Program

Mr. Cochran introduced Janet Ritter and Teresa Reese, two of the four new employees being hired for the Poultry Program and took questions from the Board.

AGENDA ITEM 28: Brush Control Program Report

Mr. Oswald reviewed the agenda information.

AGENDA ITEM 29: Allocation of Fiscal Year 2008 General Revenue Brush Control Funds

Mr. Oswald introduced Mr. McWilliams, UCRA who presented an overview of UCRA's participation/interaction with the Brush Control Program. He stated it was crucial to continue funding this program until all data can be compiled and presented. Mr. McWilliams took questions from the Board concerning rainfall influence on results, timeline for presentation of results, number of monitoring sites, reports generated by their agency, and if a preliminary report would be available by January 2008.

Mr. Stewart moved the Board approve the grant for monitoring in the amount of \$120,000 and no action be taken at this time for Project Allocation for Landowner Incentive. Mr. Dodier seconded and the motion passed unanimously.

AGENDA ITEM 30: Texas Invasive Species Coordinating Committee Memorandum of Agreement

Mr. Oswald reviewed the agenda information. Mr. Russell moved the Board adopt the Texas Invasive Species Coordinating Cooperative Agreement as presented. Mr. Stewart seconded and the motion passed unanimously.

AGENDA ITEM 31: Human Resources Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 32: Public Information/Education Report

Mr. Gottschalk reviewed the agenda information.

AGENDA ITEM 33: Set a Date for the Next State Board Meeting

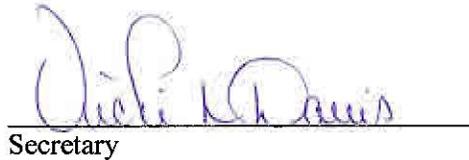
Mr. Dodier moved the next Board meeting be set for November 28-29, 2007 in Temple with a meeting being called at the Annual State Meeting in Waco if needed. Mr. Stewart seconded and the motion passed unanimously.

Mr. Dodier moved the meeting be adjourned. Mr. Stewart seconded and the motion passed unanimously.

Chairman Nichols called the meeting adjourned at 10:20 a.m.


Chairman

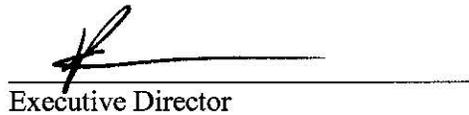
11/29/07
Date


Secretary

11/29/07
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 19-20, 2007.

11/29/07
Date


Executive Director