

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
May 21, 2009

The Texas State Soil and Water Conservation Board met on May 21, 2009, 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 H. Graham, 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
Johnny Oswald, Program Supervisor
Mark Cochran, Program Specialist
Jack Foote, Program Specialist
Bob Gruner, 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
Aaron Wendt, Watershed Planning Coordinator
Pam Casebolt, NPS Project Manager
Mitchell Conine, NPS Project Manager
Donna Long, Programs QA Officer
Meredith McArthur, Information Specialist
Richard Egg, Engineer
Mel Davis, Special Projects Coordinator
Dawn Heitman, HR Coordinator
Karen Preece, Accountant
Vicki Davis, Administrative Coordinator

Others present were:

Clyde Bohmfalk, Texas Commission on Environmental Quality
Cameron Turner, Texas Water Development Board

Salvador Salinas, Natural Resources Conservation Service
Daren Harmel, USDA - ARS
George Noelke, Office of the Attorney General
Tom Gerek, Texas AgriLife Research
Bill Harris - Texas Water Resources Institute

Chairman Nichols called the meeting to order at 8:10 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

Salvador Salinas, Natural Resources Conservation Service reported on: Farm Bill contracts, software modification for new Farm Bill, delays in payments, GRP taking applications, funding has been received for the year, GRP extensions, hiring to fill vacancies, Watershed Rehabilitation Project, vehicle purchases, STAC Meeting and organic farming.

Daron Harmel, USDA-ARS extended an invitation for the Board members to attend a Poultry Litter Seminar being held June 17th in Riesel.

Bill Harris, Texas Water Resources Institute reported on: TCEQ joint programs with TSSWCB, request for federal funding for center dealing with invasive species and the 566 Watershed Program.

Tom Gerek, Texas AgriLife Research invited everyone present to attend the center's 100 year anniversary celebration to be held October 6, 2009.

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

There were no comments from the Association at this time.

AGENDA ITEM 4: Biohybrid Energy Cycle

Larry Jacobs stated the Association of RC&Ds would be submitting a proposed letter of endorsement of the Biohybrid Energy Cycle Program for the Board's consideration.

AGENDA ITEM 5: Minutes from the March 12, 2009 Board Meeting

Chairman Nichols called for a motion to approve the minutes of the March 12, 2009 Board Meeting. Mr. Ward moved that the minutes be accepted. Mr. Russell 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. Dodier moved the following appointments be approved as presented. Mr. Jacobs seconded the motion. The motion passed unanimously.

Mike Ferrel, Hall-Childress #109, Zone 4, Replace James R. Jones
Rex Lust, Running Water #136, Zone 4, Replace Brenda Bruton
Danny Frerich, Tierra Blanca #143, Zone 5, Replace Carl Kleuskens
Dustin Miller, Terry #151, Zone 3, Replace Larry Young
Chris Fails, Terry #151, Zone 4, Replace Dustin Miller
Julius Ray (Pete) Ballew, Andrews #246, Zone 5, Replace Donald Q. (Don) Cox
Faye Pauline Word, Live Oak #323, Zone 2, Replace Calvin Blaschke

Joseph Yates Walker, Anderson-Houston #421, Zone 2, Replace Jim Bob Grumbles
James Kamas, Central Texas #509, Zone 4, Replace Ellis G. Marshall
J. Don Barnett, Mills County #554, Zone 2, Replace James Andy Wells

AGENDA ITEM 7: Financial Report

Mr. Zajicek reviewed the agenda information. Mr. Russell moved the Financial Report be approved as presented. Mr. Mahler seconded. The motion passed unanimously.

AGENDA ITEM 8: Consider Proposed Rule Amendment for 31 TAC §517.10

Mr. Zajicek reviewed the agenda information. Mr. Jacobs moved the rule amendment be adopted for publication in the Texas Register for review and comment. Mr. Graham seconded. The motion passed unanimously.

AGENDA ITEM 9: Consider Approval of Requests for Waiver per 31 TAC §523.6(e)(2)(E)

Mr. Garza reviewed the agenda information. Mr. Ward moved the waiver for Fannin County SWCD be approved as presented. Mr. Dodier seconded. The motion passed unanimously.

AGENDA ITEM 10: Supplemental Requests for Cost-Share Assistance on Water Quality Management Plans

Mr. Garza reviewed the agenda information. Mr. Dodier moved the supplemental requests for cost-share funds be approved as presented and the amount remaining be transferred to statewide funds. Mr. Jacobs seconded. The motion passed unanimously.

AGENDA ITEM 11: Consider Statewide Water Quality Management Plan Cost-Share Requests

Mr. Munz reviewed the agenda information. Mr. Russell moved the Board approve the requests from Freestone County and Bédias Creek SWCDs as presented. Mr. Graham seconded the motion. The motion passed unanimously.

AGENDA ITEM 12: Water Supply Enhancement Program Report

Mr. Oswald reviewed the agenda information.

AGENDA ITEM 13: Reallocation of FY 09 General Revenue Water Supply Enhancement Program Funds

Mr. Oswald reviewed the agenda information. Mr. Graham moved the Board approve the reallocation of Water Supply Enhancement Program funds to the Wichita River Project. Mr. Russell seconded and the motion passed unanimously.

AGENDA ITEM 14: Consider Petition for Inclusion of Additional Territory in Kleberg-Kenedy SWCD #356

Mr. Davis informed the Board the paperwork has not been finalized at this time.

AGENDA ITEM 15: 2009 Annual State Meeting Planning

Mr. Davis reported Mr. Jim Pitts would be invited as the main speaker for the Legislative Appreciation Banquet. Judon Fambro of Texas A&M will present one or more workshops on Tuesday, subjects to include predator control, invasive species, carbon sequestration or water marketing. Mr. Davis, Mr. Brandenberger and Mr. Upchurch are looking into possible tour sites. Mr. Davis asked if there were any suggestions from the Board. Mr. Dodier asked that the new state senator, Wendy Davis, be invited.

AGENDA ITEM 16: Texas Conservation Awards Program

Mr. Davis stated he received a recommendation that the Intent to Enter sheet be removed from future packets.

AGENDA ITEM 17: Legislative Report

Mr. Davis reviewed the agenda information.

AGENDA ITEM 18: Association of Texas Soil & Water Conservation Districts Report

Mr. Davis stated the Association's agreement with the Natural Resources Conservation Service requires them to host a media event. They are looking at dates this summer in Houston.

AGENDA ITEM 19: National Association of Conservation Districts Report

Mr. Davis reviewed the agenda information.

AGENDA ITEM 20: National Association of State Conservation Agencies Report

Mr. Davis reviewed the agenda information.

AGENDA ITEM 21: Poultry Water Quality Management Plan Program Report

Mr. Cochran reported on new legislation that, if enacted, would require the State Board to inspect poultry facilities within one half mile of any residence. Mr. Russell asked how liable the State Board would be in this location approval process. Mr. Noelke stated that the Board would be within their statutory authority so sovereign immunity would apply. Mr. Jacobs asked if the law would allow us to develop rules, procedures and criteria and if so, could we pass the requirement along to other entities such as realtors to do the research? Mr. Mahler asked if we would be required to do the research. Mr. Cochran stated it was presumed our staff would be responsible. Mr. Jacobs asked if the bill passes, when does the State Board become responsible. Mr. Cochran stated as of September 1st. Mr. Dodier asked if any FTEs accompanied the added responsibility. Mr. Cochran answered no. Mr. Jacobs asked if Mr. Cochran and Mr. Foster would develop an outline for the process. Mr. Cochran stated the State Board would form a committee along with TCEQ and NRCS to set up the process. Mr. Dodier asked if there were many new locations. Mr. Cochran stated no, but the law would include any existing facilities that increased in size by 50%.

AGENDA ITEM 22: Texas Nonpoint Source Management Program Report

Mr. Foster, Mr. Wendt, Ms. Casebolt and Mr. Conine reviewed the agenda information.

AGENDA ITEM 23: Human Resources Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 24: Public Information/Education Report

Mr. Davis reviewed the agenda information.

AGENDA ITEM 25: Election of Officers

Chairman Nichols opened the floor for nominations for chairman and nominated José Dodier. Mr. Russell moved nominations cease and Mr. Dodier be elected by acclamation. Mr. Mahler seconded and the motion passed unanimously.

Chairman Dodier opened the floor for nominations for vice-chairman and Mr. Russell nominated Mr. Mahler. Mr. Graham moved nominations cease and Mr. Mahler be elected by acclamation. Mr. Nichols seconded and the motion passed unanimously.

AGENDA ITEM 26: Set a Date for the Next State Board Meeting

Board set the next Board meeting date as July 15-16, 2009 in San Antonio, Texas.

Chairman Dodier moved the meeting be adjourned. Mr. Mahler seconded and the motion passed unanimously. Meeting adjourned at 10:10 a.m.


Chairman

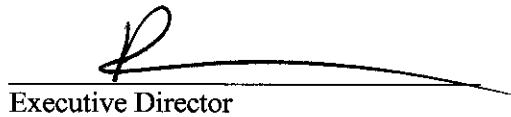
7/16/09
Date


Secretary

7/16/09
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 14-15, 2009.

7/16/09
Date


Executive Director