

**Meeting Minutes**  
**TEXAS STATE SOIL & WATER CONSERVATION BOARD**  
**July 15, 2009**

The Texas State Soil and Water Conservation Board met on July 15, 2009, at 2:00 p.m. at 303 Blum, San Antonio, Texas.

Board Members present were:

José Dodier, Jr., Chairman  
Barry Mahler, Vice-Chairman  
Aubrey Russell, Member  
Marty H. Graham, Member  
Jerry Nichols, 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  
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  
Mitchell Conine, NPS Project Manager  
Richard Egg, Engineer  
Mel Davis, Special Projects Coordinator  
Vicki Davis, Administrative Coordinator  
Karen Preece, Accountant

Others present were:

James Grimm, Texas Poultry Federation  
Don Gohmert, Natural Resources Conservation Service

Mickey Black, Natural Resources Conservation Service  
Bob Perry, Natural Resources Conservation Service  
Melissa Grote, Pedernales Soil & Water Conservation District

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

Meeting adjourned at 3:56 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 July 15, 2009.

\_\_\_\_\_  
Date

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

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

The Texas State Soil and Water Conservation Board met on July 16, 2009, at 8:00 a.m. at 303 Blum, San Antonio, Texas.

Board Members present were:

José Dodier, Jr., Chairman  
Barry Mahler, Vice-Chairman  
Aubrey Russell, Member  
Marty H. Graham, Member  
Jerry Nichols, 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  
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Kenny Zajicek, Fiscal Officer  
John Foster, Programs Officer  
Lee Munz, NPS SWCD Liaison  
T.J. Helton, NPS Program Coordinator  
Aaron Wendt, Watershed Planning Coordinator  
Mitchell Conine, NPS Project Manager  
Richard Egg, Engineer  
Mel Davis, Special Projects Coordinator  
Vicki Davis, Administrative Coordinator  
Karen Preece, Accountant

Others present were:

Don Gohmert, Natural Resources Conservation Service  
Tomas Dominguez, Natural Resources Conservation Service  
George Noelke, Office of the Attorney General  
Memo Benavides, Association of Texas Soil & Water Conservation Districts

Chairman Dodier called the meeting to order at 8:01 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

Don Gohmert, Natural Resources Conservation Service informed the Board of the appointment of Juan Garcia as the new agency head of the Farm Service Agency.

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

Mr. Benavides reported on: Association meeting with field staff, Association financial situation, Washington D.C. trip and the legislative session.

**AGENDA ITEM 4:** Minutes from the May 20-21, 2009 Board Meeting

Chairman Dodier called for a motion to approve the minutes of the May 20-21, 2009 Board Meeting. Mr. Mahler moved that the minutes be accepted. Mr. Ward 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. Graham moved the following appointments be approved as presented. Mr. Russell seconded the motion. The motion passed unanimously.

Roel Villarreal, Loma Blanca #328, Zone 3, Replace Homer P. Villarreal  
Clay Ohrt, Victoria #346, Zone 2, Replace Dennis Brown  
Cliff Caskey, Hays County #351, Zone 2, Replace Don Meador

**AGENDA ITEM 6:** Agency Sunset

Mr. Isom informed the Board the Commission bumped up the State Board review date due to their shuffling of several agency reviews. Agency reviews normally take place every twelve years and the State Board was reviewed ten years ago.

**AGENDA ITEM 7:** Consider Adoption of Rule Amendment for 31 TAC §517.10

Mr. Zajicek reviewed the agenda information. Mr. Jacobs moved the rule amendment be adopted as final and published in the *Texas Register* as adopted. Mr. Mahler seconded. The motion passed unanimously.

**AGENDA ITEM 8:** Proposed Fiscal Year 2010 Operating Budget

Mr. Zajicek reviewed the agenda information. Mr. Nichols moved the Fiscal Year 2010 Operating Budget be approved as presented. Mr. Graham seconded. The motion passed unanimously.

**AGENDA ITEM 9:** Allocation of Fiscal Year 2010 District Director Mileage & Per Diem Funds

Mr. Zajicek reviewed the agenda information. Mr. Mahler moved the Fiscal Year 2010 District Director Mileage & Per Diem funds be approved as presented. Mr. Jacobs seconded. The motion passed unanimously.

**AGENDA ITEM 10:** Allocation of Fiscal Year 2010 Matching Funds

Mr. Zajicek reviewed the agenda information. Mr. Mahler moved the Fiscal Year 2010 Matching Funds be approved as presented. Mr. Ward seconded. The motion passed unanimously.

**AGENDA ITEM 11:** Allocation of Fiscal Year 2010 Technical Assistance Grant Funds

Mr. Zajicek reviewed the agenda information. Mr. Mahler moved the Fiscal Year 2010 Technical Assistance Grant funds be approved as presented. Mr. Nichols seconded. The motion passed unanimously.

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

Mr. Zajicek reviewed the agenda information. Mr. Mahler moved the Board approve authority for the Executive Director to reallocate Fiscal Year 2009 funds with cumulative re-allocation over \$200,000 requiring board notification. Mr. Graham seconded. The motion passed unanimously.

**AGENDA ITEM 13:** Consider Approval of Requests for Waiver per 31 TAC §523.6(e)(2)(E)

Mr. Garza reviewed the agenda information. Mr. Nichols moved the waiver for Sulphur-Cypress SWCD be approved as presented. Mr. Mahler seconded. The motion passed unanimously.

**AGENDA ITEM 14:** Allocation of Fiscal Year 2010 Water Quality Management Program Funds

Mr. Garza reviewed the agenda information. Mr. Mahler moved the Fiscal Year 2010 Water Quality Management Program funds be approved as presented. Mr. Graham seconded. The motion passed unanimously.

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

Mr. Munz reviewed the agenda information. Mr. Nichols moved the Board approve the requests for Statewide funding as presented. Mr. Jacobs seconded the motion. The motion passed unanimously.

**AGENDA ITEM 16:** Allocation of Fiscal Year 2010 General Revenue Water Supply Enhancement Funds

Mr. Oswald reviewed the agenda information. Mr. Graham moved the Fiscal Year 2010 General Revenue Water Supply Enhancement fund allocation be approved as presented. Mr. Russell seconded the motion. The motion passed unanimously.

**AGENDA ITEM 17:** Consider Cost Share Practice List and Cost Share Rates for All Approved Practices for the Fiscal Year 2010 Water Supply Enhancement Program

Mr. Oswald reviewed the agenda information. Mr. Mahler moved the Fiscal Year 2010 Approved Practices and Cost Share Rates be approved as presented. Mr. Ward seconded the motion. The motion passed unanimously.

**AGENDA ITEM 18:** Appointment of an Agency Representative to Serve on the Texas Invasive Species Coordinating Committee

Mr. Oswald reviewed the agenda information.

**AGENDA ITEM 19:** Water Supply Enhancement Program Report

Mr. Oswald reviewed the agenda information.

**AGENDA ITEM 20:** Flood Control Dam Rehabilitation Projects for Fiscal Year 2010

Mr. Egg reviewed the agenda information. Mr. Mahler moved the Board approve the flood control dam rehabilitation projects on Plum Creek Watershed as presented. Mr. Russell seconded and the motion. The passed unanimously.

**AGENDA ITEM 21:** Consider Petition for Inclusion of Additional Territory in Kleberg-Kenedy SWCD #356

Mr. Davis reviewed the agenda information.

**AGENDA ITEM 22:** 2009 Annual State Meeting

Mr. Davis requested a committee be appointed to assist with the State Meeting planning. The Board appointed Mr. Dodier and Mr. Mahler.

**AGENDA ITEM 23:** Association of Texas Soil & Water Conservation Districts Report

There was no further report at this time.

**AGENDA ITEM 24:** National Association of Conservation Districts Report

Mr. Davis reviewed the agenda information.

**AGENDA ITEM 25:** National Association of State Conservation Agencies Report

Mr. Davis reviewed the agenda information.

**AGENDA ITEM 26:** Human Resources Report

Mr. Davis reviewed the agenda information.

**AGENDA ITEM 27:** Public Information/Education Report

Mr. Davis reviewed the agenda information.

**AGENDA ITEM 28:** Poultry Water Quality Management Plan Program Report

Mr. Cochran informed the Board of a situation involving a poultry producer and the Environmental Protection Agency. In the process of investigating a dairy, EPA personnel crossed a poultry producer's property. While crossing the property they noticed litter scattered and cited the poultry producer stating a discharge had occurred. Mr. Cochran stated a discharge had not occurred. The following questions and suggestions were made:

Mr. Jacobs - suggested staff contact TCEQ personnel to discuss the situation and state the Board's concern that EPA is overstepping its authority.

Mr. Mahler asked if the poultry producer was operating within the rules. Mr. Cochran stated he was.

Mr. Mahler asked how the poultry producer disposed of the litter. Mr. Cochran stated it was taken to another location and spread.

Mr. Dodier asked if there was water close by. Mr. Cochran stated there is a wetland on the dairy farmers land.

**AGENDA ITEM 29:** Consider Adoption of Proposed New Rule 31 TAC §529 for Review and Comment in the Texas Register

Mr. Foster reviewed the agenda item. Mr. Mahler moved the Board approve publication of new rule 31 TAC §529 in the Texas Register for a 30-day public comment period. Mr. Nichols seconded. The motion passed unanimously.

**AGENDA ITEM 30:** Texas Nonpoint Source Management Program Report

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

**AGENDA ITEM 31:** Set a Date for the Next State Board Meeting

Board set the next Board meeting date as September 16-17, 2009 in Temple.

**AGENDA ITEM 32:** Deliberation and Possible Vote Regarding Salary, Employment and Evaluation of Executive Director

Mr. Russell moved the Board raise the salary of the Executive Director to the amount set by the Legislature. Mr. Nichols seconded. The motion passed unanimously.

Mr. Jacobs moved the meeting be adjourned. Mr. Mahler seconded and the motion passed unanimously. Meeting adjourned at 9:46 a.m.

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Chairman

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Secretary

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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 July 16, 2009.

\_\_\_\_\_  
Date

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