

MINUTES

CALL TO ORDER

The Oklahoma Conservation Commission met July 2, 2007, in the Agriculture Building Board Room, 2800 N. Lincoln Boulevard, Oklahoma City, Oklahoma. The meeting was called to order at 9:30 a.m. by Chairman Dan Lowrance. He stated this was a regularly scheduled meeting in accordance with the Open Meeting Law, Title 25, Sections 301 and following as amended. The agenda for this meeting was posted June 28, 2007, at the front entrance of the building.

SWEARING IN

Jana Chicoine, Administrative Officer, administered the Oath of Office and Loyalty Oath to Mike Rooker, Area 2 member.

ROLL CALL

Kim Tweed, Executive Secretary, took roll call and the following members were in attendance:

Dan Lowrance, Chair
Virginia Kidd, Vice Chair
Matt Gard, Secretary
Mike Rooker, Member
George Stunkard, Member

Others in attendance were:

Mike Thralls, Executive Director
Ben Pollard, Assistant Director
Steve Coffman, Financial Management and Human Resources Director
Tammy Sawatzky, Conservation Programs Administrative Officer
Dan Butler, Water Quality Program Director
Mike Kastl, Abandoned Mine Land Program Director
Mike Sharp, Information Technology Director
Lisa Knauf, District Services Director
Mark Harrison, Information Representative
Greg Kloxin, Senior Technical Writer
Jana Chicoine, Administrative Officer
Jeanette Nance, Office of the Governor
Ron Hilliard, Natural Resources Conservation Service State Conservationist
Marla Peek, Oklahoma Farm Bureau
Dan Sebert, Lincoln County Conservation District director
Steve Thompson, Associate Commissioner, Oklahoma Department of Agriculture, Food and Forestry
Jeff Packham, Journal Record
Jason Skaggs, Garfield County Conservation District Manager
Kim Tweed, Executive Secretary

Mr. Lowrance welcomed Steve Thompson, newly named Associate Commissioner of the Oklahoma Department of Agriculture, Food and Forestry.

PLEDGE OF ALLEGIANCE

Mr. Stunkard led the group in the Pledge of Allegiance.

MINUTES OF PREVIOUS MEETING

A motion was made by Mr. Stunkard and seconded by Ms. Kidd to approve the minutes of the June 4, 2007, Commission meeting as written. Those voting aye were: Lowrance, Kidd, Gard, and Stunkard. Mr. Rooker abstained. Nay votes: none. Motion carried.

DISTRICT DIRECTOR APPOINTMENTS

Mike Thralls, Executive Director, presented recommendations for appointment of conservation district directors as listed in Exhibit #1. A motion was made by Mr. Stunkard and seconded by Ms. Kidd to approve district director appointments listed as First Recommendation in Exhibit #1 with terms to expire as indicated. Those voting aye were: Lowrance, Kidd, Gard, Rooker and Stunkard. Nay votes: none. Motion carried.

CLAIMS/FINANCIAL STATEMENT

Steve Coffman, Financial Management and Human Resources Director, presented the claims and financial statement as listed in Exhibit #2. After discussion, a motion was made by Mr. Stunkard and seconded by Ms. Kidd to approve the claims and financial statement. Those voting aye were: Lowrance, Kidd, Gard, Rooker and Stunkard. Nay votes: none. Motion carried.

PRESENTATION OF COMMISSION AGREEMENTS

Mr. Pollard presented agreements for approval as listed in Exhibit 3. He recommended approval of amended agreements listed as (a) through (h). A motion was made by Ms. Kidd and seconded by Mr. Stunkard to approve the amended agreements as presented. Those voting aye were: Lowrance, Kidd, Gard, Rooker and Stunkard. Nay votes: none. Motion carried.

Mr. Pollard recommended approval of new agreements listed as (I) through (m). A motion was made by Ms. Kidd and seconded by Mr. Gard to approve the new agreements as presented. Those voting aye were: Lowrance, Kidd, Gard, Rooker and Stunkard. Nay votes: none. Motion carried.

Mr. Pollard recommended ratification of agreement (n). A motion was made by Mr. Stunkard and seconded by Ms. Kidd to approve the ratification. Those voting aye were: Lowrance, Kidd, Gard, Rooker and Stunkard. Nay votes: none. Motion carried.

OUT OF STATE TRAVEL REQUEST

A motion was made by Mr. Stunkard and seconded by Ms. Kidd to approve attendance at the 15th National Nonpoint Source Monitoring Workshop, August 26-30, 2007, Austin, Texas as listed in Exhibit 4. Those voting aye were: Lowrance, Kidd, Gard, Rooker and Stunkard. Nay votes: none. Motion carried.

FY2008 ALLOCATIONS TO CONSERVATION DISTRICTS FOR PERSONNEL AND OPERATING EXPENSES

Mr. Thralls presented FY2008 allocations to conservation districts as listed in Exhibit 5. The amounts include gross salary, employee share of FICA and medicare, as well as \$4,000 operating expenses. Mr. Thralls stated this is similar to last year's allocations except districts are receiving an additional \$1000 for operating expenses. A position has also been added in Murray County that will be funded by rehabilitation earnings.

Lisa Knauf, District Services Director, stated that these amounts do not include employee benefits, which will cost the Commission an additional \$200,000 for six months.

After discussion, a motion was made by Mr. Stunkard and seconded by Ms. Kidd to approve the allocations as listed in Exhibit 5. Those voting aye were: Lowrance, Kidd, Gard, Rooker and Stunkard. Nay votes: none. Motion carried.

FY2008 BUDGET WORK PROGRAM

Mr. Thralls presented the FY2008 Budget Work Program (BWP) as listed in Exhibit 6. The BWP includes one new employee at Murray County Conservation District to assist with watershed operation and maintenance and 2 new state employees within the Conservation Programs Division to assist with watershed rehabilitation. It also contains funding in the amount of \$6.5 million for watershed rehabilitation. Mr. Thralls stated that approximately \$80,000 will be allocated to the District Services division for assistance.

After discussion, a motion was made by Mr. Stunkard and seconded by Mr. Gard to approve the FY2008 Budget Work Program as listed in Exhibit 6. Those voting aye were: Lowrance, Kidd, Gard, Rooker and Stunkard. Nay votes: none. Motion carried.

PRESENTATION BY GARFIELD COUNTY CONSERVATION DISTRICT REGARDING THE UPPER RED ROCK CREEK #44

Jason Skaggs, Garfield County Conservation District Manager, appeared before the commission to present a check to the Commission in the amount of \$11,690.13. Mr. Skaggs stated that 2 years ago the district requested assistance on an easement violation on Upper Red Rock Creek #44 where the auxiliary spillway had been modified by the landowner. The Commission approved the request for assistance. Working with the Red Rock Conservancy District, the conservation district took legal action and the landowner was required to reimburse the district for legal expenses and damages. Members applauded the district for its work with watershed structures and thanked the district for the reimbursement.

RECONSIDERATION OF AN EMERGENCY RULE FOR NONPOINT SOURCE CLEAN WATER STATE REVOLVING FUND LOAN APPLICATIONS

Mr. Thralls stated that in order to meet deadlines set by the Office of Administrative Rules, the Commission will need to approve again the emergency rule that was presented and approved during the June 2007 commission meeting. No changes were made to the rule since being presented at the June meeting.

A motion was made by Ms. Kidd and seconded by Mr. Stunkard to approve the emergency rule as presented. Those voting aye were: Lowrance, Kidd, Gard, Rooker and Stunkard. Nay votes: none. Motion carried.

PUBLIC COMMENTS

None.

NEW BUSINESS

None.

OKLAHOMA CONSERVATION COMMISSION MEMBERS

Ms. Kidd attended the Women in Agriculture conference in Poteau and stated it was an excellent event with good attendance. She stated that a red cedar workshop will be held in Springfield, Missouri in August.

Mr. Gard attended the RC&D fish fry at Kremlin, Oklahoma. He is working on the agenda for the Oklahoma Agricultural Leadership Program seminar scheduled on July 11-13 and has scheduled Mr. Thralls to speak regarding Tar Creek activities.

Mr. Rooker attended the Cross Timbers RC&D fish fry where topics included bio-fuels.

OKLAHOMA CONSERVATION COMMISSION STAFF

Administration: Mr. Thralls congratulated Mr. Thompson on his new position with the Department of Agriculture, Food and Forestry. He stated that other changes at the ODAFF includes the resignation of Amber Lawles, Associate Commissioner and the retirement of Sharon Higbie, Executive Secretary.

Mr. Thralls stated that flood control structures prevented approximately \$290 million worth of damage due to recent flooding in the state. There are 330 dams that have not been contracted that could have provided an additional \$46 million in benefits. Two structures were victims of Congress by the removal of earmarks for Turkey Creek. Mr. Thralls received a telephone call from former Governor Henry Bellmon to congratulate the Commission on getting Site 52 built in Noble County.

Mr. Thralls commended Information Technology Division employees Mike Sharp, Chris Dunlevy and Shellie Willoughby on their efforts in compiling electronic data for the Illinois River lawsuit which was due July 2.

Conservation Programs Division: Tammy Sawatzky, Administrative Officer, stated the division has been busy with flooding issues. She reported that a final inspection will be held on July 6 for rehabilitation of Mill Creek Site 18 in Johnston County. Ms. Sawatzky also reported that a contractor is working on the Barnitz Creek site in Dewey County where the previous contractor left prior to work being complete.

Information Technology Division: Mike Sharp, Director, commended his staff as well as water quality staff for compiling electronic data for the Illinois River lawsuit. Chris Dunlevy is in Bristow today wrapping up his search of electronic data.

Dr. Sharp stated that vegetation has been planted on the West Commerce Tar Creek site. He stated that flooding is occurring along the Verdigris River in northeast Oklahoma due to recent torrential rains.

District Services Division: Lisa Knauf, Director, has been working on the planning committee for the South Central Regional meeting.

The latest 10-minute guide sent to conservation districts is on the subject of audits and compilations. District employees should be working to get financial information to their auditors. A form has been developed stating that information has been sent to the auditor which requires the chairman's signature.

Ms. Knauf stated that there are six personnel vacancies in the districts.

Water Quality Program: Dan Butler, Director, stated that the Office of the Secretary of Environment contacted his staff regarding additional monies available through the Environmental Protection Agency. To access these funds the Commission would need to submit a work-plan by 12 noon on July 6. The monies could be used for implementation projects in a watershed where there is a watershed-based plan.

The Conservation Reserve Enhancement Program is in high gear and producers are signing up for participation.

Abandoned Mine Land Reclamation Program: Mike Kastl, Director, stated that staff is working on one project in Wagoner County. President Bush has nominated Brent Wahlquist as the new Director of the Office of Surface Mining. Mr. Wahlquist has not supported the annual \$3 million funding for the seven minimum program states (Oklahoma is one of the seven) beginning in FY 2008. Congressional intent was that all states and tribes receive at least \$3 million annually beginning in FY 2008.

Financial Management and Human Resources Division : Steve Coffman, Director, will submit the approved budget work program to the Office of State Finance. He has been working with Risk Management on liability insurance coverage and stated that it will not increase for this fiscal year.

Administration: Ben Pollard, Assistant Director, stated that the Commission has sent letter to tribal representatives in the state introducing Darrel Dominick and the possibility of partnering with the tribes. The Commission agreed to serve on the Oklahoma Tribal Council and staff participated in its first meeting.

Mr. Pollard reported that staff also participated in the first meeting of the Prescribed Fire Council. Conservation districts are working with the Council around the state.

Mr. Pollard stated that Channel 9 news interviewed Robert Toole and Clay Pope in Canadian County regarding flooding issues. Staff has received several requests from newspapers and elected representatives regarding structures in Stillwater, Enid and Muskogee.

In the absence of an OACD representative, Mr. Pollard reported that President Scotty Herriman is experiencing severe flooding on his property.

Mr. Pollard reported on the South Central Regional meeting stating that Chief Chad Smith, Cherokee Nation, will speak during the opening ceremony and Secretary of Environment Miles Tolbert will be the luncheon speaker on Friday, July 27. The meeting will feature water quality work in the Beaty Creek and Eucha Watersheds as well as dams, dam safety and watershed rehabilitation.

OACD is monitoring a legislative study sponsored by Representative DeWitt dealing with consolidation of water functions with the Department of Environmental Quality and the Oklahoma Water Resources Board.

The next OACD executive board meeting is scheduled for July 26 in Catoosa, Oklahoma.

USDA-NATURAL RESOURCES CONSERVATION SERVICE

Ron Hilliard, State Conservationist, stated that the Texas State Conservationist, Don Gohmert, will be attending the South Central Regional meeting.

The State Technical Committee met on June 28 and discussed farm bill related conservation program activities as well as priorities for state level implementation of the Conservation Innovation Grants portion of the Environmental Quality Incentives Program.

Mr. Hilliard reported on personnel issues stating that NRCS Area Clerks have been re-titled to Technical Support Office Clerks. Shelly Hungerford has been named the Administrative Officer for the state. Sam Hawkins from Arizona will be report on July 23 as the Human Resources Specialist. The NRCS will be filling a position within the State Contractor's office as well as district conservationist positions in Nowata and Norman.

Mr. Hilliard stated that the farm bill markup will be July 17-19 and that two bills are being run side by side. One bill is a pay-go farm bill while the second requires additional money.

The watershed staff has been working hard due to recent rains and flooding issues. He reported that during the past 60 days emergency spillways flowed on 57 dams in 24 watersheds in 17 counties throughout the state. There were damages in Creek, Grady and Kiowa Counties. Mr. Hilliard stated that there were emergency flows in 2 rehabilitation projects. He stated that all dams functioned as they were designed to function. Mr. Hilliard thanked conservation district employees for their work with the watersheds. Mr. Lowrance asked Mr. Hilliard to remind colleagues that the watershed program is not dead.

Mr. Hilliard stated that there has been a change of command at the Corps of Engineers office in Tulsa and that he will be meeting with the new colonel in the near future.

Mr. Pollard questioned if FEMA cost-share money can be used to repair spillways that had been damaged by water flow. Mr. Hilliard stated that NRCS is working with FEMA representatives to determine if FEMA funds can be accessed for spillway repair.

USDA-FARM SERVICE AGENCY

No representative present.

NEXT MEETING

The next regular meeting of the Oklahoma Conservation Commission will be held on August 6, 2007, in the Agriculture Building Board Room, 2800 N. Lincoln Boulevard, Oklahoma City, Oklahoma beginning at 9:30 a.m.

CHANGES TO SEPTEMBER 2007 MEETING

Mr. Thralls stated that last year the Commission held a meeting in Enid to honor the Garfield County Conservation District for being named the Outstanding Conservation District. He is proposing to hold the September meeting in Alva to honor the East Woods County Conservation District for being named this year's Outstanding Conservation District.

A motion was made by Ms. Kidd and seconded by Mr. Rooker to hold the September meeting on Wednesday, September 5, 2007 beginning at 10:00 a.m. in Alva, Oklahoma. Those voting aye were: Lowrance, Kidd, Gard, Rooker and Stunkard. Nay votes: None. Motion carried.

ADJOURNMENT

There being no further business a motion was made by Mr. Stunkard and seconded by Ms. Kidd to adjourn. Those voting aye were: Lowrance, Kidd, Gard, Rooker and Stunkard. Nay votes: none. Motion carried. The meeting adjourned at 11:00 a.m.

Approved by the Oklahoma Conservation Commission on August 6, 2007.

CHAIR