

MINUTES

CALL TO ORDER

The Oklahoma Conservation Commission met December 7, 2009, at the Agriculture Building Board Room located at 2800 N. Lincoln in Oklahoma City, Oklahoma. The meeting was called to order at 9:30 a.m. by Chairman Matt Gard. 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 December 3, 2009, at the front entrance of the building.

ROLL CALL

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

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

Others in attendance were:

Mike Thralls, Executive Director
Ben Pollard, Assistant Director
Steve Coffman, Financial Management and Human Resources Director
Robert Toole, Conservation Programs Director
Shanon Phillips, 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
Janet Stewart, General Counsel
Johnny Pelley, Watershed Technician
Dennis Boney, Watershed Technician
George Moore, Watershed Technician
Karla Beatty, Education Coordinator
Tammy Sawatzky, Conservation Programs Deputy Director
Henry Roye, AML Emergency Coordinator
Eldon Merklin, Cost Share Program Coordinator
Jamey Wood, Natural Resources Conservation Service Acting Assistant State
Conservationist for Programs
Clay Pope, Oklahoma Association of Conservation Districts Executive Director
Trey Lam, Oklahoma Association of Conservation Districts President
Kim Faber, Oklahoma Association of Conservation Districts Vice President
Scotty Herriman, Oklahoma Association of Conservation Districts Past President
Steve House, Oklahoma Association of Conservation Districts Area 1 Director
George Fraley, Oklahoma Association of Conservation Districts Area 3 Director

Bradley Hamilton, Oklahoma Association of Conservation District Employees President
Christina Richard, Oklahoma Association of Conservation District Employees Vice President
Becky Inmon, Oklahoma Association of Conservation District Employees Secretary
Coleta Bratten, Oklahoma Association of Conservation District Employees Treasurer
Jason Skaggs, Oklahoma Association of Conservation District Employees Area I
Patti Christian, Oklahoma Association of Conservation District Employees Area II
Jo Callison, Oklahoma Association of Conservation District Employees Area III
Robbie Bowles, Oklahoma Association of Conservation District Employees Area IV
Sheri Nickel, Oklahoma Association of Conservation District Employees Contest
Coordinator
Jeanette Nance, Office of the Governor
Whitney Weingartner, Assistant Attorney General
Steve Thompson, Department of Agriculture, Food and Forestry
Bryan Smith, eCapitol
Kim Tweed, Executive Secretary

MINUTES OF PREVIOUS MEETING

A motion was made by Mr. Lowrance and seconded by Mr. Stunkard to approve the minutes of the November 2, 2009, Commission meeting as written. Those voting aye were: Gard, Rooker, Stunkard, Lowrance and Kidd. 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 Ms. Kidd and seconded by Mr. Lowrance to approve district director appointments as presented. Those voting aye were: Gard, Rooker, Stunkard, Lowrance and Kidd. 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. A motion was made by Mr. Lowrance and seconded by Mr. Rooker to approve the claims and financial statement. Those voting aye were: Gard, Rooker, Stunkard, Lowrance and Kidd. Nay votes: none. Motion carried.

PRESENTATION OF AGREEMENTS

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

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

NRCS AGREEMENT TO ALLOW OCC EMPLOYEES TO ACCESS CERTAIN USDA RECORDS

Mr. Pollard presented an agreement with the NRCS for approval which would allow Commission employees to access certain USDA records in compliance with Section 1619 of the federal Food, Conservation and Energy Act of 2008. He stated that the NRCS has also requested that conservation districts enter into agreements to allow employees and board members to access cooperator records from NRCS and FSA that are protected by law. Mr. Pollard stated that since the Commission has employees working in field offices on federal programs it needs to enter into an agreement to allow its employees to access the records as well.

After discussion, a motion was made by Mr. Stunkard and seconded by Mr. Rooker to approve the agreement as presented. Those voting aye were: Gard, Rooker, Stunkard, Lowrance and Kidd. Nay votes: none. Motion carried.

OUT OF STATE TRAVEL REQUEST

Mr. Thralls presented a travel request for approval as listed in Exhibit #4. A motion was made by Mr. Lowrance and seconded by Ms. Kidd to approve the request as listed. Those voting aye were: Gard, Rooker, Stunkard, Lowrance and Kidd. Nay votes: none. Motion carried.

CONSERVATION COST-SHARE PROGRAM - PROGRAM YEAR 12 GUIDELINES

Robert Toole, Conservation Programs Director, presented the Conservation Cost-share Program - Program Year 12 Guidelines for approval as listed in Exhibit #5. A motion was made by Mr. Stunkard and seconded by Mr. Lowrance to approve the guidelines as presented. Those voting aye were: Gard, Rooker, Stunkard, Lowrance and Kidd. Nay votes: none. Motion carried.

2009-30-10 HARTSHORNE SCHOOL #3 AML EMERGENCY PROJECT

Mike Kastl, AML Program Director, stated that an emergency was declared on October 30, 2009 at the Hartshorne School sited as #3 AML Emergency Project and needs ratification of approval by the Commission. A motion was made by Ms. Kidd and seconded by Mr. Stunkard to ratify approval of the emergency. Those voting aye were: Gard, Rooker, Stunkard, Lowrance and Kidd. Nay votes: none. Motion carried.

OPENING OF THE RULE-MAKING RECORD

Janet Stewart, General Counsel, stated that staff is requesting to open the rule-making record for the promulgation of new rules by the Commission and staff entitled Controlled Burn Indemnity Fund to be cited in Title 155, Chapter 45 of the Oklahoma Administrative Code in compliance with the requirements of the Administrative Procedures Act, 75 O.S. Section 250 et seq. A motion was made by Mr. Lowrance and seconded by Mr. Rooker to approve opening the rule-making record. Those voting aye were: Gard, Rooker, Stunkard, Lowrance and Kidd. Nay votes: none. Motion carried.

COST SHARE PROGRAM YEAR 11B SPECIAL REQUESTS

Mr. Toole stated that the Commission has received special requests for Cost-share Program Year 11B from the Little River Conservation District to add Animal Trails and Walkways (575) to be used in conjunction with Ponds (378) and Cherokee County Conservation District to add Brush Management (314), Pest Management (595), Pipeline (516), and Watering Facility (614).

Mr. Toole is recommending approval of the Little River Conservation District request as this falls within the guidelines of Program year 11B. A motion was made by Mr. Lowrance and seconded by Mr. Stunkard to approve the request from the Little River Conservation District as presented. Gard, Rooker, Stunkard, Lowrance and Kidd. Nay votes: none. Motion carried.

Mr. Toole is recommending the Commission deny the request from the Cherokee County conservation District as presented as this request does not fall within the guidelines of Program Year 11B. A motion was made by Mr. Lowrance and seconded by Mr. Rooker to deny the variance request from Cherokee County Conservation District as presented. Those voting aye were: Gard, Rooker, Stunkard, Lowrance and Kidd. Nay votes: none. Motion carried.

PUBLIC COMMENTS

None.

NEW BUSINESS

None.

OKLAHOMA CONSERVATION COMMISSION MEMBERS

Members reported on attending their respective OACD Area Meetings and stated they were very good meetings. Messrs. Rooker, Lowrance, and Gard attended the Governor's Water Conference and commended Water Quality staff for their presentations at the conference. Mr. Gard reported on attending the Ag Expo and the Wind Energy Conference.

OKLAHOMA CONSERVATION COMMISSION STAFF

Administration - Executive Director: Mr. Thralls commended Ben Pollard, Lisa Knauf and Clay Pope for success of the area meetings. He stated that Senator Ellis reported during an area meeting that the Tarrant County lawsuit had been dismissed. He recognized OACD President Trey Lam for his participation in the meetings.

Mr. Thralls reported on the budget stating that the Commission should be able to complete the fiscal year without furloughs because of contract management revenue. The Commission has \$188,000 available in contract revenues. Staff attended a senate budget meeting where agencies were asked about taking up to an additional 5 percent cut. Staff will attend a house budget meeting this week and will be answering similar questions. The big questions for the coming session will be if the legislature will fully fund the bond payment and will the Commission be required to take larger cuts than other agencies.

District Services Division: Lisa Knauf, Director, stated that staff is assisting districts with quarterly reports and will be working on the upcoming OACD state meeting.

Water Quality Program: Shanon Phillips, Director, stated that the Blue Thumb Program won the Keep Oklahoma Beautiful "Environmental Excellence" award in the State/Tribal Government category. Ms. Phillips also reported that applications for aggregators for the carbon program will be online prior to January 1.

Ms. Phillips stated that staff held its water quality retreat to update the nonpoint source management plan.

Abandoned Mine Land Reclamation Program: Mike Kastl, Director, reported on the Bronson Project in Rogers County stating it is a 7 acre site. He expressed appreciation to Janet Stewart for her assistance in revisions of the AML rules and a public hearing has been scheduled for February 8, 2010 at 10:00 a.m. in the Agriculture Building boardroom. He also reported that the new grant will be received in the next three weeks with an increase of \$600,000.

Financial Management and Human Resources Division: Steve Coffman, Director, stated that staff has been preparing information for legislative budget meetings. The Affirmative Action Plan review is scheduled this month.

Information Technology Division: Mike Sharp, Director, welcomed Shellie Willoughby back from maternity leave. Mr. Sharp reported on a claim received from Beachner Construction for \$1,027,000 for additional work expenses related to the West Commerce Tar Creek project. He is working with the Department of Central Services on this issue.

Conservation Programs Division: Robert Toole, Director, presented copies of the Locally Led Cost-share Program - Program Year 9 final report (Attachment A).

Administration - Assistant Director: Mr. Pollard stated that with the cost-share program and the bond issue the Commission is delivering 3.5 million dollars of cost-share work in the state.

Mr. Pollard stated that media outreach for conservation has increased in the last 30 to 60 days. Upcoming events include the Turkey Creek Site 3 watershed which broke ground in September and nearing completion to be followed by a media event. The West Caddo Conservation District will host a press conference and groundbreaking ceremony for Sugar Creek L-43 site this week which will be the first time conservation bond money is being used as match for a watershed rehabilitation project. A media event with Secretary of Agriculture Terry Peach and OACD celebrating the success of the North Canadian watershed project is being planned for December 22. A media event is also being planned to highlight the Illinois River and Eucha/Spavinaw streambank stabilization project.

Mr. Pollard reported that NRCS and FEMA have agreed to terms on the Sugar Creek FEMA project repairs in the amount of \$7 million.

Mr. Pollard also stated that as of December 1 we now have 87 conservation districts due to the consolidation of the Kiowa County and Mountain View Conservation Districts.

DEPARTMENT OF AGRICULTURE, FOOD AND FORESTRY

Steve Thompson, Assistant Commissioner, reported on attending the Wind Energy Conference. Secretary Peach held a cabinet meeting to share resources and information. Mr. Thompson and Secretary Peach participated in a webinar on the impact on climate change on agriculture. Ag staff drove to Carlsbad, New Mexico to view an algae farm with the potential to produce biofuel. He stated that the Agriculture Department is also requesting full funding for its

bond issue payment.

OKLAHOMA ASSOCIATION OF CONSERVATION DISTRICTS

Clay Pope, Executive Director, introduced the following board members: Trey Lam, President; Kim Farber, Vice President; George Fraley, Area 3 Director; and Scotty Herriman, Past President. Mr. Pope thanked Commission staff for their work and participation in the area meetings.

Mr. Pope reported on legislative issues stating that the Association would like to see the bond issue held harmless from budget cuts and that the natural resource agencies do not take a larger cut than other agencies. The Association will be working on cedar issues and revisiting the Ethics Commission ruling on financial disclosure of directors.

On the federal side, Mr. Pope reported on the 25x25 climate change where EPA has determined that carbon dioxide is harmful. The Association is also working with the NACD on rules for the Conservation Security Program.

Mr. Pope stated that the legislative network, consisting of one director from each district, should be in place by January 1. The state meeting is scheduled for February 21-23, 2010. He has sent out the latest Association newsletter.

Bradley Hamilton, Oklahoma Association of Conservation District Employees President, was called on to introduce members of his board: Christina Richard, Vice President; Becky Inmon, Secretary; Coleta Bratten, Treasurer; Jason Skaggs, Area I Director; Patti Christian, Area 2 Director; Jo Callison, Area 3 Director; Robbie Bowles, Oklahoma Association of Conservation District Employees Area IV Director, and Sheri Nickel, Contest Coordinator.

USDA-NATURAL RESOURCES CONSERVATION SERVICE

Jamey Wood, Acting Assistant State Conservationist for Programs, provided copies of a written report. He reported that Gregg Hudson has been hired as a new geologist. He stated that the following employees have announced retirement: Larry Caldwell, Jim Ford, Duane Crider, Loren Zweiacker, Lester Ligons, Bob O'Brien.

Mr. Wood stated that the FY09 budget is being wrapped up. He also reported on program updates as listed on page 4 of the report.

USDA-FARM SERVICE AGENCY

No representative present.

NEXT MEETING

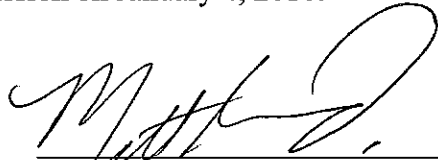
The next regular meeting of the Oklahoma Conservation Commission will be held on January 4, 2010, in the Agriculture Building Board Room, 2800 N. Lincoln Boulevard, Oklahoma City, Oklahoma beginning at 9:30 a.m.

ADJOURNMENT

There being no further business a motion was made by Ms. Kidd and seconded by Mr. Stunkard to adjourn. Those voting aye were: Gard, Rooker, Stunkard, Lowrance and Kidd. Nay

votes: none. Motion carried. The meeting adjourned at 11:00 a.m.

Approved by the Oklahoma Conservation Commission on January 4, 2010.



CHAIR