

**AGENDA**  
**STATE BOARD OF AGRICULTURE**  
**DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

Tuesday, March 1, 2016  
10:00 a.m.

2800 N. Lincoln Blvd.  
Oklahoma City, OK 73105

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of January 25, 2016
6. Public Comment
7. Consideration and Proposed Action on Division Reports
  - I. A. Administrative Services – Bryan Painter  
Summary of present financial condition of the agency and monthly activities in the following areas: Finance, Human Resources, Fleet Management, Data Processing and Agriculture Law Enforcement Investigators.
  - B. Laboratory Services – Tanna Kilpatrick  
Summary of analytical activities, customer contacts, and other pertinent information related to laboratory operations.
  - C. Forestry Services – George Geissler  
Summary of activities and accomplishments in resource protection and rural fire defense, forest management and regeneration, water quality, urban forestry, forestry education and law enforcement. Includes statistics on wildfires and law enforcement activity and narrative of forestry program highlights for the month.
  - D. Consumer Protection Services – Kenny Naylor  
Addresses stop sale orders on insect and disease infested crops, phytosanitary certificates issued, insect survey summaries, pesticide registration updates, pesticide inspections, seed program and seed laboratory updates, weights and measures reports, scanner inspections, grain warehouses and meetings attended by division personnel.

- E. Animal Industry Services – Rod Hall, DVM  
Addresses information and activities of staff related to control and eradication of animal diseases affecting livestock and livestock market audits. It also addresses emergency response preparation and education for response to any outbreak of foreign, emerging and/or eradicated disease.
  - F. Wildlife Services – Kevin Grant  
Summary of activities and accomplishments in wildlife damage management to protect state resources such as agriculture, property, natural resources, and public health and safety from wildlife damage and wildlife threats.
  - G. Agricultural Statistics – Wilbert Hundl, Jr.  
Addresses the current crop conditions and livestock inventory numbers. Also included is a report on the number of information requests received, reports released during the previous month, reports to be released during the current month, and the meetings attended by Division personnel during the previous month.
  - H. Market Development Services – Jamey Allen  
Summary of the accomplishments, projects and events of Ag in the Classroom, Agritourism, Communications, Domestic Marketing (Made in Oklahoma, Made in Oklahoma Coalition), Diversified Marketing (Farmers Market, Specialty Crop Block Grants, Plasticulture, Farm to School), International Marketing, Market News and Rural Economic Development.
  - I. Agricultural Environmental Management Services – Jeremy Seiger  
Executive summary that addresses Swine Feeding Operations, registered poultry feeding operations and poultry waste applicators, National Pollutant Discharge Elimination System (NPDES), plus agricultural composting facilities. Includes numbers and statistics on complaint investigations, technical assistance contacts, inspections, enforcement/compliance activities and seminars/meetings attended by Division personnel for the month.
  - J. Office of General Counsel – Teena Gunter  
Summarizes activities of the division and Commercial Pet Breeders, including rules, collections, legal research, meetings, support for programs, contracts, employment issues, open records requests, farming and ranching incorporations, and informal and formal enforcement actions before the Board, district court, and federal court.
  - L. Food Safety Services – Stan Stromberg  
Addresses the inspection of meat, poultry, egg, and milk processing facilities to determine compliance with regulatory standards.
- II. Ag Communications and Outreach Update – Blayne Arthur
8. Consideration and Proposed Action on Claims

9. Consideration and Proposed Action on Purchases/Contracts

**One-Net Internet Service for CW offices- FY17 - \$9,960.**

**Telephone Service for CW, and FTIC and Satellite Offices – FY17 - \$15,000.**

Local & long distance telephone service is essential in the operation of C&W (FRC, FTIC, Ardmore, Enid, and Burns Flat) and RF offices. Without this service C&W Area (FRC, FTIC, Ardmore, Enid, and Burns Flat) would be unable to contact landowners and RF would be unable to contact Rural Fire Departments.

**Electrical Service for CW, FTIC and Satellite Offices – FY17 - \$42,000.**

Electrical service is essential in the operation of CW, RF, FRC and FTIC offices.

**FedEx Shipping of tree and shrub seedlings – FY17 - \$12,000.**

FedEx is used (mandatory contract) to ship seedlings to landowners. Without FedEx we have no other option to ship seedlings. All shipping charges are billed to the purchaser who pays for this service.

**Maintenance and Repairs for Farm Equipment – FY17 - \$16,000.**

Purchasing supplies and repairs are essential in maintaining CW area's farm equipment. This is vital to maintain our aging tractors and equipment.

**Seed Purchase of various tree/shrub species – FY17 - \$15,000.**

Purchasing various tree and shrub species seeds to provide Oklahoma landowners seedlings for their conservation plantings. Without this money we would not be able to provide the species they need.

**Oil and Lubrication Products for Equipment – FY17 - \$6,000.**

**Chemicals/Pesticides for FRC & FTIC – FY17 - \$15,000.**

Chemicals are essential in the growing and maintaining the seedlings at FRC and FTIC. Without the use of chemicals, we could potentially have problems with insects, fungus and weeds.

**Propane for CW area office & FTIC in Idabel FY17 - \$12,500.**

Propane is our primary heat source in several buildings CW, RF area office & FTIC.

**Water from McCurtain County Rural (Idabel) FY17 - \$6,000.**

**Bags to Ship Seedlings - FY17 - \$9,700.**

**Boxes to Ship Containerized Seedlings FY17 - \$6,700.**

**Fertilizer for FRC and FTIC FY17 - \$17,000.**

Fertilizer/soil amendments are essential for seedlings nutrition and maintaining soil pH balance. Without this there would be a reduction in saleable seedlings and seedling quality.

**NODA – Support Services (Enid) FY17 - \$1,800.**

**NODA – Office Rent (Enid) FY17 - \$1,500.**

**TriPower – Office Rent (Ardmore) FY17 - \$1,800.**

**Postage Meter at CW Headquarters FY17 - \$7,000.**

**Contract with OARC for Rural Fire Coordinators - FY17 - \$700,000.**  
 Coordinators to provide technical assistance and equipment placement services to new or established Rural Fire Departments within their districts to assure the capability of meeting local fire protection needs. Without this contract Forestry inventory needs, to the federal government, could not be met. Fire department assistance to established or new departments would not be available.

**Oklahoma Tax Commission for Titles and Tire Fee FY 17 - \$10,000.**  
 Purchase of title, tire and inspection fees on Firefighter Property Program vehicles. This allows OFS to pass the title to fire departments after the vehicle is put into service. Without this funding OFS could not pass title to the fire department. OFS would need additional personnel to track and inventory these vehicles.

**Revolving Equipment Fund FY17 - \$200,000.**  
 Purchase firefighting equipment and clothing for resale to Rural Fire Departments. This allows fire departments to purchase items from OFS at a bulk discounted price. Without this program Rural Fire Departments would have to pay a higher price for these items. Some VFD’s might not be able to purchase them at all.

**Purchase firefighting equipment for OFS FY17 - \$50,000.**  
 OFS firefighting equipment and clothing is purchased from GSA and DOD E-Mall at the federal pricing which allow OFS to save funds. If OFS is not allowed to make these purchases OFS employee’s safety could be at risk.

**Rural Fire 80/20 Reimbursement Pass-Thru Grants FY17 - \$200,000.**  
 80/20 reimbursable pass-thru grants are available to rural fire departments serving communities under 10,000 in population. Grants allow fire departments to purchase equipment, or build, remodel and expand a fire station. Funding limits per application are \$30,000 of state appropriated funds for construction and \$20,000 for fire equipment. Without this program less fire station construction would occur and equipment purchased.

**Operational Fire Department Grants FY17 - \$3,870,000**  
 This grant is divided equally among the certified fire departments (Rural Fire Defense). At present, each department (out of 857 Oklahoma departments so far) is estimated to receive approximately \$4,289.96. Per Oklahoma State Statutes, Title 19, Chapter 21, Section 901.56. Without this grant, many fire departments would not have the funding to operate.

**Contract for Firewise Coordinator** **FY17 - \$68,000.**  
To provide services to Oklahoma communities teaching them application of fire preparedness and practices. This contract provides personnel, travel, supplies and other resources necessary for the implementation and completion of this project. This project is Federally Funded. Without this program Oklahoma Communities would not practice safe fire preparedness. Federal Grant

**Purchase Equipment for the G130 & G131 Training** **FY16 - \$100,000.**  
Purchase of PPE, Tools, and A/V Equipment for the Wildland Cross Walk Training also known as G130 & G131 Training. These purchases will be made through DOD E-Mail and State contracts. Purchases are made to equip firefighters with the appropriate wildland gear after they attend OFS G130 & G131 training. By purchasing this equipment, it enables the firefighter to be properly outfitted with the appropriate fire gear to fight wildland fires. Without this program, firefighters may be risking their lives to protect Oklahoma Communities, by not being properly clothed. Federal Grant

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**Settlement Agreement between OFS and USFS** **FY15 - \$400,882.53**  
Due to clerical error the invoice from the United States Forest Service for aerial fire suppression was not processed and paid in FY15. Funds have been distributed into ODAFF's account from OEM to pay this invoice.

**Purchase Order with the United State Forest Service** **FY16 - \$600,000.**  
Board request to cover possible fire out-break in Oklahoma if out-of-state resources are needed. Without this approval the possibility of loss of property and lives is potential.

**Del Aviation – Southern Pine Beetle Detection** **FY17 - \$8,000.00**  
**2<sup>nd</sup> year of 4 year renewal**

**Del Aviation – Additional Funding Needed For FY16** **FY16 - \$60,000.00**  
Current Purchase Order is for 78,000. OFS has already spent 65,254.40 of the current purchase order and will need an additional 22,291.40 to cover the guaranteed base for the next 5 months. With the current fire situation, OFS is projecting they will need approximately \$60,000.00 to fly the rest of the fiscal year. Without this additional funding the loss of property and lives is potential. Federal Grant

**Del Aviation** **FY17 - \$116,000.00**  
**Renewal of 3<sup>rd</sup> year of 4 year renewal.**  
Aerial Fire Detection Services. The base purchase order price is for \$78,000. OFS is asking for an additional \$38,000 board approval to cover a possible fire out-break in FY17. Without this service property and lives are at risk. Federal Grant

**Purchase of Bambi Buckets**

**FY16 - \$123,000.**

Purchase of one HL-5000 Bucket for the Chinooks and three 5566 Buckets. These buckets enable to Army National Guard to attack fires from the air in the State of Oklahoma. Without this purchase the property and lives are at risk. Federal Grant

**Firefighting Compact Resources**

**FY16 - \$500,000.**

Opening of the Firefighting Compact Resources between the Southern Thirteen States. By opening this compact OFS will be able to bring in additional firefighting personnel and equipment to assist with the high fire danger Oklahoma is now experiencing. Without this additional firefighting capability, OFS will not be able to assist with all the fire occurrence that might occur in the State of Oklahoma and possibly cause loss of property and lives.

FY 2016 – Annual Ag in The Classroom annual State Teachers’ Summer Conference - \$8,000.00

FY 2016 – Oklahoma Farmers Market grants funded by USDA Specialty Crop Block Grant - \$55,000.00. This project has been approved for and is funded by a USDA AMS Specialty Crop Block Grant (SCBG). With the grant award, the Market Development Division is charged to build consumer awareness about OK Grown products by educating them on the venues in which they can purchase fresh fruits and vegetables that are locally grown. As farmers markets continue to grow each year, advertising is essential to promote locally grown produce available at the markets. As the consumer base grows, we should also see an increase in revenues generated for each grower, therefore benefiting the economy. This project is funded 100% by the grant. If this proposed expense is not approved and therefore the project is not completed, the State not only loses money immediately that is important to our farmers markets businesses, but also runs the risk of not being awarded future USDA AMS SCBG grants.

10. Consideration and Proposed Action on Cases Resolved by Stipulations

**Agricultural Environmental Management Services**

Gary Bradley, 8401 E. 400 Road, Jay, Oklahoma  
Keith Boshers, P. O. Box 226, Vian, Oklahoma  
Travis Stewart, P.O. Box 86, Golden, Oklahoma

**Animal Industry Services**

Robert Davis, Route 1 Box 160, Walters, Oklahoma

**Consumer Protection Services**

Armour Pest Defense, 1265 Parkway Drive, Blackfoot, Idaho  
Dollar General, 100 Mission Ridge, Goodlettsville, Tennessee  
EMCO Termite & Pest Control, P. O. Box 1605, Bethany, Oklahoma  
Landmark Tree & Turf Services, 10901 E. 11<sup>th</sup> St., Tulsa, Oklahoma  
Lawn America, Inc., 5129 S. 110<sup>th</sup> E. Ave., Tulsa, Oklahoma  
Lawn Pro, P. O. Box 1543, Ardmore, Oklahoma  
Marcum’s Nursery, 2121 S. W. 119<sup>th</sup>, Oklahoma City, Oklahoma  
Sullivan Tree Service, 4710 N.W. 47<sup>th</sup> Place, Lawton, Oklahoma  
System Scale Corp., 4808 Alma HWY, Van Buren, Arkansas  
Terminix, Int., 9340 Pole Road, Moore, Oklahoma  
West Tree Service, 6300 Forbing Road, Little Rock, Arkansas

\*\*Possible Executive Session (if approved by the required number of members present): As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act.”

11. Consideration and Proposed Action on Permanent Rules

**ANIMAL INDUSTRY**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry  
Chapter 15. Animal Industry  
Subchapter 34. Feral Swine  
35:15-34-1. Purpose [AMENDED]  
35:15-34-2. Definitions [AMENDED]  
35:15-34-3. Importation and transportation of feral swine [AMENDED]  
35:15-34-5. Transporter license [AMENDED]  
35:15-34-5.1. 24 hour permit [NEW]  
35:15-34-6. Sporting facilities [AMENDED]  
35:15-34-7. Handling facilities [AMENDED]  
35:15-34-10. Carcass disposal [AMENDED]  
35:15-34-13. License fees [AMENDED]  
35:15-34-19. Feral swine free zone [NEW]

**CONSUMER PROTECTION**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry  
Chapter 30. Consumer Protection  
Subchapter 17. Combined Pesticide  
Part 1. Commercial and Non-Commercial Categories of Pesticide Application  
35:30-17-1. License Categories [AMENDED]  
35:30-17-2. Consultant license [AMENDED]  
Part 3. Certification, Conduct of Examinations, and Recertification  
35:30-17-4. Examination of applicants for certification [AMENDED]  
35:30-17-6. Recertification [AMENDED]  
Part 5. Prerequisites for Licensing

35:30-17-11. Application for license required [AMENDED]  
Part 6. Pesticidal Product Producing Establishments  
35:30-17-13. Incorporation by reference of federal pesticide producing establishment regulations [AMENDED]  
Part 8. Pesticide Registrations and Permits  
35:30-17-17.3 Pesticide and device labeling [NEW]  
Part 11. Standards for Application of Pesticide  
35:30-17-24. Approved chemicals and equipment [AMENDED]  
35:30-17-24.1. Restricted use areas [AMENDED]  
Part 15. Minimum Standards for Termite Work for Existing Structures  
35:30-17-69.2. Exceptions to minimum standards [AMENDED]  
Part 21. Standards for Disposal of Pesticide and Pesticide Containers  
35:30-17-89.1. Incorporation by reference of federal pesticide management and disposal regulations [AMENDED]

## **MARKET DEVELOPMENT**

Title 35. Oklahoma Department of Agriculture, Food, and Forestry  
Chapter 40. Market Development  
Subchapter 5. Agriculture Enhancement and Diversification Program  
Part 1. Definitions  
35:40-5-1. Definitions [AMENDED]  
Part 3. Applicant Eligibility  
35:40-5-31. Applicant eligibility [AMENDED]  
Part 5. Evaluation and Funding Criteria  
35:40-5-51. Evaluation and funding criteria [AMENDED]  
Part 7. Procedure for Loan or Grant Requests  
35:40-5-71. Applications for loan or grant requests [AMENDED]  
Part 9. Supplemental Program Information  
35:40-5-91. Supplemental program information [AMENDED]  
Part 11. Terms of Loans or Grants  
35:40-5-111. Terms of loans or grants [AMENDED]  
Part 19. Disbursements  
35:40-5-191 Disbursements [AMENDED]  
Part 23. Agriculture Event Grants [NEW]  
35:40-5-121. Agriculture Event Grants [NEW]  
Subchapter 19. Oklahoma Viticulture and Enology Center Development Revolving Fund [NEW]  
35:40-19-1. Purpose [NEW]  
35:40-19-2. Definitions [RESERVED]  
35:40-19-3. Eligibility [NEW]  
35:40-19-4. Evaluation [NEW]  
35:40-19-5. Submission of applications [NEW]  
35:40-19-6. Supplemental program information [NEW]  
35:40-19-7. Disbursements [NEW]

12. Consideration and Proposed Action on Agriculture Enhancement and Diversification Board Recommendation to determine the following delinquent loan as uncollectable:

Funk Enterprises  
Business dissolved

Ol' Santa Fe  
Statute of Limitations

13. Old Business

14. New Business – Next Board meeting is scheduled for Tuesday, April 12, 2016, in Oklahoma City

15. Adjournment