

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
January 17, 2002

The Texas State Soil and Water Conservation Board met on January 17, 2002 at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Edward G. Albrecht, Chairman
T. Wayne Register, Vice Chairman
Dayton Elam, Member
Donald Swann, Member
W. T. (Dub) Crumley, Member

Staff members present were:

Robert G. (Bob) Buckley, Executive Director
James M. Moore, Deputy Executive Director
Mel Davis, Director of District Operations
Bobbie Stephens, Director of Administration
Kristine Parker, Director of External Customer Relations
Kevin Wagner, Conservation Program Manager
Dawn Heitman, Human Resources Specialist
Sam Unberhagen, Program Specialist
Donna Long, Program Specialist
John Foster, Natural Resources Specialist
Richard Egg, Engineer
Lee Munz, Planner
Kenny Zajicek, Contract Manager
Kevin Canfield, Planner
Jason McAlister, Planner
Jay Bragg, Planner
Lois J. Cain, Administrative Technician

Others present were:

George Noelke, Attorney General's Office
Kraig Gallimore, Texas Water Development Board
Tom Lambert, Legislative Budget Board
John Burt, Natural Resources Conservation Service
Freddie Williams, Natural Resources Conservation Service

James Hailey, Natural Resources Conservation Service
Donnie Dipple, Texas Department of Agriculture
Paula D. Maywald, Caesar Kleberg Wildlife Research Institute
Evelyn L. Merz, Native Prairies Association of Texas
Steve Arey, US Fish & Wildlife Service
Tim Anderson, US Fish & Wildlife Service
Don Wilhelm, US Fish & Wildlife Service

Chairman Albrecht called the meeting to order and welcomed those present.

Minutes from the November 9, 2001 and November 15, 2001 meetings were considered. On motion of Donald Swann, seconded by Wayne Register, the minutes were approved as mailed.

Mel Davis presented district director appointments and said all appeared to be in order but was waiting to receive original copy of a resignation letter from Hopkins-Rains Soil and Water Conservation District. On motion of Dub Crumley, seconded by Wayne Register, the Board approved the following appointments including the appointment from Hopkins-Rains SWCD pending receipt of original resignation letter:

Gaylon Tucker, Cottle Co. SWCD #163
Arna McCorkle, Trans-Pecos SWCD #231
Jorge A. Uribe, Zapata SWCD #335
Patrick Krutilek, Wharton Co. SWCD #342
Leon D. Gunn, Hopkins-Rains SWCD #445
Bill Roloff, Wood SWCD #444
Frederick M. Weinzierl, Walker Co. SWCD #453
Kit Worley, Little River-San Gabriel SWCD #508

Mel Davis presented a request from the Montgomery County SWCD #452 for subdivision boundary changes for Subdivisions Three and Four to more equally distribute qualified voters in the two subdivisions. On motion of Wayne

Register, seconded by Donald Swann, the Board approved the changes as requested.

Mel Davis then presented a request from the Tule Creek SWCD #110 for subdivision boundaries to be redrawn on more identifiable lines. On motion of Donald Swann, seconded by Dayton Elam, the Board approved the changes as requested.

Mel Davis reviewed the statement of revenues and expenses for the 2001 Annual State Meeting of Soil and Water Conservation District Directors held in San Antonio, Texas in October 2001.

Mr. Davis provided the Board with an update of information on district director elections held in October 2001 in Subdivision Five of each district.

Mel Davis discussed District Director Elections and what changes had been made in the Agriculture Code regarding elections for soil and water conservation districts due to Sunset Legislation enacted by the 77th Legislature. These changes included publication of notices as well as posting the notices; individuals must file a written notice with the district to be a candidate for election; early voting will be allowed; if there is only one candidate it will not be required to hold an election. The Board was provided a set of proposed new rules (31 TAC Chapter 520 – Elections) including the changes for their review. On motion of Wayne Register, seconded by Donald Swann, the Board adopted the proposed rules to be published in the **Texas Register**.

Mel Davis provided dates for the 2002 Conservation Awards Banquets

which are as follows:

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| Area I | Plainview, Texas May 9, 2002 – 7:00 PM |
| Area II | Sonora, Texas May 7, 2002 – 7:00 PM |
| Area III | Beeville, Texas May 1, 2002 – 6:00 PM |
| Area IV | Jacksonville, Texas May 7, 2002 – 6:00 PM |
| Area V | Stephenville, Texas May 2, 2002 – 7:00 PM |

Mel Davis reviewed elections for State Board Members and said they will be held on May 7, 2002 in State Areas II and IV. Area II will be held in Sonora at 6:00 PM in the Sutton County 4-H Civic Center. Area IV will be held at 5:00 PM in the Norman Activity Center in Jacksonville. Notices to districts in those two areas will be mailed on January 25, 2002.

Bobbie Stephens provided a status report of District Financial Statements and Audits for Fiscal Year 2001. She advised funds for three districts were currently on hold pending receipt of their financial statements. The Board was advised that staff has been working extensively with field representatives to get these financial statements taken care of.

Ms. Stephens then discussed the Budget Versus Expenditure Report Ending December 31, 2001 by appropriation strategy. There were no questions. She then advised the Board of a letter from the Office of the Governor and Legislative Budget Board alerting agencies to review their budgets for the

remainder of the biennium in an effort to hold down spending and identify potential savings due to the uncertainty of future economic conditions. She said the result of the internal review was to be submitted to the Governor's Office and the Legislative Budget Board no later than March 15, 2002.

Ms. Stephens then updated the Board on the Draft Survey for Technical Assistance and advised about 20% of the surveys had been received. Deadline for receipt of the surveys is February 22, 2002. The workgroup who helped develop the survey will review the summary and develop a recommendation for the Board to consider at the March Board meeting.

Staff asked the Board to consider rescheduling the March Board meeting. The Board on motion of Wayne Register seconded by Dayton Elam changed the March Board meeting date to March 12, 2002.

Ms. Stephens discussed proposed changes to the District Biennium Budget Request document addressing the September 1, 2003 - August 31, 2005 period. After review the Board changed the deadline to March 7, 2002 for forms to be submitted to the State Board office and added NACD to the form under Quotas and Dues. On motion of Donald Swann, seconded by Dub Crumley, the Board adopted the form with changes as discussed.

Bobbie Stephens provided and discussed the results of the Survey of Organizational Excellence received from the University of Texas. She said the agency did very well and the information will be used in developing the agency's Strategic Plan.

Dawn Heitman provided the Human Resources Report which showed one new hire – Kristine Parker as Director of External Customer Relations – and two resignations. She also advised she had just received notification that the Natural Resources Specialist from the Wharton Regional Office would be retiring on March 31, 2002. Currently recruiting for three positions – two in the Temple office, Purchaser I and Data Entry Operator III and an Engineer III/IV in the Harlingen Regional Office. The job for the Natural Resources Specialist in the Wharton office was also posted on January 17, 2002. Ms. Heitman also provided an update on training and affirmative action.

Ms. Heitman informed the Board the Human Resources Internal Audit was almost ready and staff was waiting on the final draft from the internal auditor.

Bobbie Stephens provided information to the Board explaining the Strategic Planning process. She said staff will bring information to the Board at the March Board meeting.

Dawn Heitman discussed Board member training and referred to the law. She advised the two Board members elected on May 7, 2002 will be required to take the training.

Tom Lambert from the Legislative Budget Board was introduced as the agency's Budget Analyst and he said he was attending the Board meeting only to observe.

Kraig Gallimore from the Texas Water Development Board said the State Water Development Board had adopted the State Water Plan. He said the next

round of planning is in the process and the current sixteen water districts are in the process of making changes. The next planning meeting will be in July.

Donnie Dipple from the Texas Department of Agriculture said he was attending the Board meeting to help answer questions on the Lake Aquilla Total Maximum Daily Load (TMDL) project.

John Burt from the Natural Resources Conservation Service discussed Watershed Rehabilitation Action and said there was a problem of getting sponsors with the funds to proceed with the projects. One project, East Fork Above Lavon, will have funds to proceed this year and one project, Martinez Creek, will be able to proceed next year. He also said allocations on EQIP have just been released for this year. On January 11, 2002, an announcement was made on CRP to extend contracts that expire this year for one more year and there will not be a CRP sign up this year. He said the McLennan County Soil Survey had recently been released. He also said former State Board employee Clyde Gottschalk was working as a volunteer for them on the Earth Team project. He noted the federal government no longer had a surplus after September 11, 2001 and said this would affect the Farm Bill.

Mel Davis discussed the Lower Mississippi Valley Initiative and provided a draft Memorandum of Understanding (MOU) the Board had reviewed at the November Board meeting. After discussion and on motion of Wayne Register, seconded by Donald Swann, the Board authorized the Executive Director to sign the MOU on behalf of the Board.

Mel Davis provided a written public information/education report and said that Kris Parker, Director of External Customer Relations, would provide this report in the future. Donald Swann said he would like to see the State Board elections and local elections publicized more extensively and thought it would have more effect coming out of the headquarters office.

Kevin Wagner discussed the written status report on the Brush Control Program. He said the Tom Green SWCD and North Concho River SWCD had each hired a new planner. The Upper Colorado River Authority is continuing to monitor the water yield in the North Concho River Watershed. He reported the Feasibility Studies in the Palo Pinto Lake, Lake Brownwood, Lake Fort Phantom Hill and Lake Arrowhead watersheds are progressing on schedule. He discussed the maintenance/management study being done and said work is currently progressing on schedule. A report will be delivered to the Texas Legislature in December 2002 describing the findings of these studies. He reported project planning continues for the implementation of brush control projects in the Pedernales and Upper Colorado/Twin Buttes Reservoir watersheds.

Kevin Wagner discussed the latest version of the draft on the Activities of the Brush Control Program from January 1 through December 31, 2001. The State Board is required by the Agriculture Code to provide a report each year to the Governor, Lt. Governor and Speaker of the House, a report on the activities of the Brush Control Program for the preceding calendar year. The report is due January 31, 2002. On motion of Dayton Elam, seconded by Donald Swann, the

Board approved the Annual Report on the Brush Control Program as required by Chapter 203 of the Agriculture Code.

Sam Unberhagen provided the Water Quality Management Program Status Report which showed 299 water quality plans received as of January 17, 2002 with 36 status reviews performed. One complaint had been investigated since last Board meeting which was found to be invalid and one new complaint received and currently being investigated. Mr. Unberhagen said at the March Board meeting the Board will be faced with re-allocating unobligated funds.

Donna Long gave a status report on the North Bosque River TMDL and provided a summary of activities involved in developing the North Bosque Implementation Strategy.

James Moore discussed the Technical Assistance for the State Water Quality Program which had been discussed at the November 2001 Board meeting at the request of Aubrey Russell, District Director from the McClellan Creek SWCD, Panhandle, Texas. Mr. Moore explained that Mr. Russell was concerned about the lack of help from NRCS on the State Water Quality Program in the development of Water Quality Management Plans. Mr. Moore provided a bar chart showing the percent of water quality management plans developed by NRCS, TSSWCB and SWCDs in each of the TSSWCB Regional Office areas.

At 1:30 PM Chairman Albrecht read a statement opening the Public Hearing on the State Brush Control Plan. Mr. Buckley reported there had been no written registration forms filled out at the meeting. Mr. Albrecht then closed the hearing.

Mr. Wagner said the Agriculture Code requires the State Brush Control Plan to be reviewed and amended at least every two years to reflect changes in the program. A 30-day written notice of the public hearing had been posted. He advised the Board there had been no written comments on the State Brush Control Plan and no one attended the public hearing. Staff recommended the Board adopt the State Brush Control Plan as amended. On motion of Dayton Elam, seconded by Donald Swann and Wayne Register, the Board adopted the State Brush Control Plan as amended.

James Moore discussed the Native Plant Restoration Project and introduced Paula Maywald of the South Texas Native Plant Restoration Project, Caesar Kleberg Wildlife Research Institute, Kingsville, Texas. Ms. Maywald said there is a need to build a source of local ecotypes of native grass, forb, legume and shrub seed that would be available for use on private and public lands. Their main goal is to develop commercially available seed sources. Proposal is to use three Plant Material Centers in Texas located in Nacogdoches, Knox City and Kingsville and would like the State of Texas to provide funding for each plant material center to continue the production of native seeds and requested support from the State Board. After discussion and on motion of Donald Swann, seconded by Dub Crumley, the Board directed staff to pursue this and to develop a plan in conjunction with people from the Plant Material Centers for the Board to review at the March Board meeting.

Sam Unberhagen discussed allocation of Fiscal Year 2002 Water Quality Cost Share Funds and said two new requests for a statewide allocation had been

received from Palo Pinto SWCD #518 and Limestone-Falls SWCD #501. Staff recommended these two requests be deferred until a later date since they were not complaint driven. On motion of Wayne Register, seconded by Donald Swann, the two requests were deferred until a later date.

Donna Long discussed the Lake Aquilla TMDL Implementation Plan for Atrazine and provided the document for the Board to consider. Wayne Register moved, seconded by Donald Swann, to approve the document and forward to the Texas Natural Resources Conservation Commission.

John Foster presented the status report of implementation of Senate Bill 1339 which requires all poultry facilities in Texas to operate according to a water quality management plan certified by the Texas State Soil & Water Conservation Board. He said since the effective date of September 1, 2001, 41 poultry water quality management plans have been certified. Staff informed the Board that 95 poultry operations in sixteen SWCDs in East Texas did not meet the first deadline provided in Senate Bill 1339. Mr. Foster reported that TSSWCB regional office staff had contacted those sixteen SWCDs and the appropriate integrator company's field staff in order to facilitate those producers' requests for water quality management plans.

Kevin Canfield provided the Section 319 Status Report. He said the 2002 application for federal assistance was submitted to EPA on September 1, 2001 and was currently under evaluation at EPA and staff hoped to have approval within the next thirty days. He also provided a list of active 319(h) projects for the Board's information.

Richard Egg discussed funding for rehabilitation of flood control structures. He said Texas has over 2100 small watershed dams and an estimated 283 are in need of rehabilitation. Mr. Egg said the following four applications for rehabilitation had been received:

1. Site 3C, East Fork Trinity above Lavon Lake in Collin County
2. Site 5, Martinez Creek Water Protection and Flood Prevention Project in Bexar County
3. Site 2, Salt Creek and Laterals Watershed Project in Wise County
4. Site 14A, Richland Creek Watershed Project in Navarro County

He said for these sites to be eligible to receive federal funds the State Board must approve the applications. On motion of Dayton Elam, seconded by Donald Swann, the Board approved these projects and designated them as a high planning priority.

Bobbie Stephens provided the Board their travel report for the four month period ending December 31, 2001.

Mel Davis provided information to the Board for their attendance at the NACD national meeting which will be held in Reno Nevada on February 3-6, 2002.

Mr. Buckley said the NACD Spring Legislative Conference will be held in Washington, DC on March 17-19, 2002 in Hotel Washington. On motion of Donald Swann, seconded by Dayton Elam the Board voted to allow any Board member who could attend to go to the conference.

Mr. Buckley advised the Board that NACD dues in the amount of \$750.00 were due. On motion of Donald Swann, seconded by Wayne Register, the staff was authorized to pay the dues.

The next Board meeting is March 12, 2002.

The meeting adjourned at 2:35 p.m.

Edward H. Albrecht
Chairman

Lois J. Cain
Secretary

March 12, 2002
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on January 17, 2002.

March 12, 2002
Date

Robert S. Buckley
Executive Director