

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
March 26, 2003

The Texas State Soil and Water Conservation Board met on March 26, 2003, at 2:00 p.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

T. Wayne Register, Chairman
Dayton Elam, Vice Chairman
Don Swann, Member
Edward G. Albrecht, Member

Board members absent were:

W. T. (Dub) Crumley, Member

Staff members present were:

James M. Moore, Executive Director
Mark Cochran, Director of Conservation Programs
Jeff McAdams, Director of District Operations
Kevin Wagner, Natural Resources Specialist
Vicki Davis, Executive Assistant

Others present were:

Bill Thomas, Association of Texas Soil & Water Conservation Districts
Larry Butler, Natural Resources Conservation Service
Salvador Salinas, Natural Resources Conservation Service
Norm Bade, Natural Resources Conservation Service
James Tillman, Natural Resources Conservation Service

Chairman Register called the meeting to order at 2:00 p.m.

Mr. Wagner conducted a briefing on the State Brush Control Program, led discussion and took questions from board members.

Chairman Register adjourned the meeting at 5:25 p.m.

Meeting Minutes
TEXAS STATE SOIL & WATER CONSERVATION BOARD
March 27, 2003

The Texas State Soil and Water Conservation Board met on March 27, 2003, at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

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

Staff members present were:

James M. Moore, Executive Director
Bobbie Stephens, Director of Administration
Kris Parker, Director of External Customer Relations
Mark Cochran, Director of Conservation Programs
Jeff McAdams, Director of District Operations
Kevin Wagner, Natural Resources Specialist
Dawn Heitman, Human Resources Specialist
Richard Egg, Engineer
John Foster, Natural Resources Specialist
Donna Long, Program Specialist
Kenny Zajicek, Contract Specialist
Jason McAlister, Planner
Jay Bragg, Planner
Sam Unberhagen, Program Specialist
Avery Buckholt, Information Specialist
Joe Freeman, Program Specialist
John Millican, Program Administrator
Vicki Davis, Executive Assistant

Others present were:

José Dodier, Association of Texas Soil & Water Conservation Districts
Aubrey Russell, Association of Texas Soil & Water Conservation Districts
Bill Thomas, Association of Texas Soil & Water Conservation Districts
George Noelke, Attorney General's Office
Salvador Salinas, Natural Resources Conservation Service
Clarence Richardson, Agricultural Research Service
Clyde Bohmfalk, Texas Commission on Environmental Quality
Mike Lothian, CESA Contractors

Chairman Register called the meeting to order at 8:03 and welcomed those present.

AGENDA ITEM 1. Minutes from the January 16, 2003 Board Meeting

Chairman Register called for a motion to approve the minutes of the January 16, 2003, meeting as mailed. Mr. Swann moved that the minutes be approved. Mr. Albrecht seconded the motion. The motion passed unanimously.

AGENDA ITEM 2. District Director Appointments

Mr. McAdams presented district director appointments for the Board's consideration and verified they were in order and met all qualifications. Mr. Elam moved the appointments be approved and Mr. Crumley seconded. The following appointments were unanimously approved:

Cory Walden, Tierra Blanca #143
Mike Garnett, Hansford #148
W.L. Metcalf, Coke County #219
Joe Ash, Coke County #219
Patrick Kunz, Gillespie County #220
Jim Spivey, San Saba #250
Roberto Elizondo, Agua Poquita #321
C.W. Forsyth, Sulphur-Cypress #419
Alvin W. Beauchamp, Piney Woods #429
James Earl Weaver, Trinity Bay #434
J.O. Grimes, Upper Neches #438

AGENDA ITEM 3. Subdivision Boundary Changes for Colorado SWCD #333

Mr. McAdams presented a request from Colorado SWCD #333 for changes in their subdivision boundaries. Mr. Albrecht moved that the requested changes be approved, Mr. Crumley seconded and the motion passed unanimously

AGENDA ITEM 4. Subdivision Boundary Changes for Trinity Bay SWCD #434

Mr. McAdams presented a request from Trinity Bay SWCD #434 for changes in their subdivision boundaries. Mr. Elam moved that the requested changes be approved, Mr. Crumley seconded and the motion passed unanimously.

AGENDA ITEM 6. Budget vs. Expenditure Report for the Period Ending February 28, 2003

Ms. Stephens reviewed the agenda information.

AGENDA ITEM 7. 7% Reduction Request Status

Ms. Stephens reviewed the agenda information and answered questions from the Board

AGENDA ITEM 8. Legislative Appropriations Request

Ms. Stephens reviewed the agenda information.

AGENDA ITEM 5. Reports from Agencies and Guests.

Clyde Bohmfalk, Texas Commission on Environmental Quality discussed new EPA changes for poultry CAFO's and their agency's coordination with State Board personnel on this matter.

Salvador Salinas, Natural Resources Conservation Service discussed: NRCS is still operating without a budget; State Technical Committee meeting in April; EQIP training by video conference; coordination with district directors and field representatives on EQIP training; technical service provider rules; technical service provider certification; Farm Bill Workshop in April; A76 Circular.

Mike Lothian, CESA Contractors, discussed his company's desire to have their method of land clearing approved as a practice. Chairman Register suggested he work with Mr. Wagner on this matter.

AGENDA ITEM 9. Clean Water Act 319(h) Status Report

Mr. McAlister reviewed the agenda information.

AGENDA ITEM 12. Human Resources Report

Ms. Heitman reviewed the agenda information.

AGENDA ITEM 10. Public Information/Education Report

Mr. Parker reviewed the agenda information.

AGENDA ITEM 13. Status Report on Brush Control Program

Mr. Wagner reviewed the agenda information

AGENDA ITEM 14. Consideration of Request for Addition of San Saba River/Lake Buchanan Watershed to the State Brush Control Plan

Mr. Wagner reviewed the agenda information, answered questions from the Board and stated staff recommended the San Saba River and Lake Buchanan watersheds be assessed for inclusion in the Brush Control Plan.

Mr. Swann moved that the San Saba River and Lake Buchanan watersheds be assessed for inclusion in the State Brush Control Plan utilizing the sixteen criteria listed in the agenda information. Mr. Crumley seconded and the motion passed unanimously.

AGENDA ITEM 15. Consideration of Request for Addition of Llano River Watershed to the State Brush Control Plan.

Mr. Wagner reviewed the agenda information. Mr. Crumley moved that the Llano River watershed be assessed for inclusion in the State Brush Control Plan utilizing the sixteen criteria listed in the agenda information. Mr. Albrecht seconded and the motion passed unanimously.

AGENDA ITEM 16. Consideration of State Brush Control Program Practices and Max Practice Costs

Mr. Wagner presented Issues 1 through 5, took questions from the board and gave staff recommendations.

Issue 1: Prescribed Burning

Mr. Albrecht moved that prescribed burning be included as an eligible practice for initial treatment of juniper in the Pedernales and that the average cost be set at \$8.00 per acre. Mr. Elam seconded and the motion passed unanimously.

Issue 2: Tree Shearing/Cut Stump Treatment

Mr. Albrecht moved that the treatment of mesquite and red berry juniper using hand cutting with hand spraying of stumps immediately following cutting be approved under the cost-share for chemical IPT. Mr. Swann seconded and the motion passed unanimously.

Issue 3: Mesquite Average Costs – Champion Creek Project

Mr. Albrecht moved that the average cost in the Champion Creek watershed be increased to \$50 per acre for moderate mesquite and \$70 per acre for heavy mesquite.

Issue 4: Mesquite Average Costs – Runnels County

Mr. Albrecht moved that the average cost in the Runnels County portion of the Lake Ballinger watershed be increased to \$50 per acre for moderate mesquite and \$70 per acre for heavy mesquite. Mr. Swann seconded and the motion passed unanimously.

Issue 5: Mesquite Average Costs – North Concho Project

Mr. Albrecht moved that the average cost in the North Concho River be return to \$50 per acre for moderate mesquite and \$70 per acre for heavy mesquite. Mr. Crumley seconded and the motion passed unanimously.

AGENDA ITEM 17. Consideration of Proposed Amendments to 31 TAC Chapter 517 Brush Control Program

Kevin Wagner reviewed the agenda information. Mr. Elam moved that the proposed brush control rule amendments be submitted to the Texas Register for a 30-day public comment period. Mr. Albrecht seconded and the motion passed unanimously.

AGENDA ITEM 18. Consideration of Lake Prioritization

Mr. Wagner reviewed the agenda information.

AGENDA ITEM 19. Senate Bill 1339 Status Report

Mr. Cochran reviewed the agenda information.

AGENDA ITEM 20. TMDL Program Status Report

Ms. Long reviewed the agenda information and took questions from the board.

AGENDA ITEM 21. Consideration of the MOA on CNMPs between TSSWCB and TAD

Mr. Foster reviewed the agenda information.

Mr. Elam moved that the Executive Director sign the proposed MOA on CNMPs between TSSWCB and TAD. Mr. Swann seconded and the motion passed unanimously.

AGENDA ITEM 22. Walter Quality Management Program Status Report

Mr. Unberhagen reviewed the agenda information.

AGENDA ITEM 23. Allocation of Fiscal Year 2003 Water Quality Cost Share Funds

Mr. Unberhagen reviewed the agenda information and presented the staff recommendation: the State Board re-allocate reverted funds back into the priority areas they originated from to the extent that first plans of each requesting district be funded in chronological order of receipt as far as funds will allow, that the balances of these funds be pooled and that the remainder of requesting district's first plans be funded, that the final balance be sent to the statewide fund and that all statewide requests be funded.

Mr. Swann moved that the Board accept staff recommendations concerning Cost Share Funds, Mr. Crumley seconded and the motion passed unanimously.

AGENDA ITEM 24. Consideration of Approval for Flood Control Project

Mr. Egg reviewed the agenda information stating that the State Board must approve the City of Abilene's application before they can be eligible for federal assistance from NRCS.

Mr. Albrecht moved that the application from the City of Abilene be approved, Mr. Swann seconded and the motion passed unanimously.

AGENDA ITEM 25. Flood Control Dam Rehabilitation Projects

Mr. Egg reviewed the agenda information stating that the projects must be approved by the State Board before the sites are eligible for federal funds.

Mr. Swann moved that projects on Lower Brush Creek Watershed Site 20, Nolan Creek Watershed Site 15, Upper Brush Creek Watershed Site 7 and Upper Brushy Creek Watershed Site 13A be approved. Mr. Elam seconded and the motion passed unanimously.

AGENDA ITEM 26. EQIP/Technical Service Provider Rules

Mr. Cochran reviewed the agenda information and answered questions from the Board with input from Salvador Salinas of NRCS.

AGENDA ITEM 27. Re-adoption of Agency Rules

Mr. Moore explained that every four years agencies are required to readopt their rules and it is now time for our rules to go through the process.

Mr. Swann moved that the agency rules be readopted, Mr. Albrecht seconded and the motion passed unanimously.

AGENDA ITEM 28. Texas/Mexico Border Coalition

Mr. Moore discussed the Texas/Mexico Border Coalition Meeting to be held in San Antonio on April 15-17. No board members could attend the meeting and Mr. Moore was directed to have a staff member attend.

AGENDA ITEM 29. Joint State Board/State Association Meeting

Mr. Moore deferred to Chairman Register. Chairman Register invited the Association to attend the May board meeting.

AGENDA ITEM 32. Set Date for Next Board Meeting

The date of the next Board meeting was set as May 15, 2003.

AGENDA ITEM 30. Procedures for Responding to Misapplication of Public Funds

The Board had directed Mr. Moore to meet with George Noelke of the Attorney General's Office to set up a procedure for misapplication of funds. Mr. Moore presented a letter from Mr. Noelke with his findings including a simple guideline for districts. Mr. Moore and Mr. Noelke went over the guidelines with the Board and answered questions.

Mr. Swann moved that the Executive Director send a letter transmitting paragraphs one and two from page two of the guidelines to all districts and field representatives. Mr. Albrecht seconded the motion and the motion passed by a vote of four to one.

AGENDA ITEM 31. Executive Session to Discuss Job Duties and Evaluation for the Executive Director

Executive Session was held.

AGENDA ITEM 11. 2003 Legislative Session Update

Ms. Parker reported on the legislative session, the comptroller's report, SB1828 and answered questions from the Board.

Chairman Register declared the meeting adjourned at 1:25 p.m.

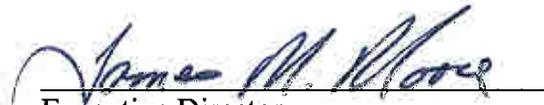

Chairman


Secretary

5/15/03
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 March 26, 27, 2003.

May 16, 2003
Date


Executive Director