

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
July 11, 2002

The Texas State Soil and Water Conservation Board met on July 11, 2002 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
Edward G. Albrecht, 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
Bobbie Stephens, Director of Administration
Kris Parker, Director of External Customer Relations
Kevin Wagner, Natural Resources Specialist
Donna Long, Program Specialist
Dawn Heitman, Human Resources Specialist
Sam Unberhagen, Program Specialist
John Foster, Natural Resources Specialist
Lee Munz, Planner
Kevin Canfield, Planner
Jason McAlister, Planner
Richard Egg, Engineer
Johnny Oswald, Program Administrator
Tim Sims, Program Administrator
Lois J. Cain, Administrative Technician
Andy Garza, Regional Manager
Stephen Deiss, Regional Manager
Steve Jones, Regional Manager
Charley Rodgers, Regional Manager
John O'Connor, Regional Manager
Robert Gruner, Program Specialist
Rex Isom, Program Specialist
Joe Freeman, Program Specialist
Ben Wilde, Program Specialist
Adrian Perez, Program Specialist
Kendria Whitaker, Program Specialist

David Powell, Program Specialist
Joel Clark, Program Specialist
Don Brandenberger, Program Specialist
Charlie Upchurch, Program Specialist

Others present were:

Kraig Gallimore, Texas Water Development Board
Tomas Dominguez, Natural Resources Conservation Service
Salvador Salinas, Natural Resources Conservation Service
Myron Calley, Upper Colorado Soil & Water Conservation District #115
Kevin Wright, Natural Resources Conservation Service
Dr. Allan McGinty, Texas Cooperative Extension
Okla Thornton, Colorado River Municipal Water Authority
Charles Darter, Delta Soil & Water Conservation District #443
Franz Pittman, Natural Resources Conservation Service
Tuffy Wood, District Employee, Glasscock County SWCD #251

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

On motion of Dayton Elam, seconded by Donald Swann, the minutes of the May 21, 2002 board meeting were approved as mailed.

James Moore presented district director appointments for the Board's consideration and said they met the qualifications and appeared to be in order. On motion of Donald Swann, seconded by Dub Crumley, the following district director appointments were approved:

Frank Dunkle, Winter Garden SWCD #316
Johnny Corbett, Lower Clear Fork of the Brazos SWCD #551

Kris Parker discussed the Conservation Awards Program. She advised there had been discussion of this program at a recent staff meeting and staff recommended going from five years to two years that districts were eligible to win Outstanding Conservation District and to do away with limits on the other categories. On motion of Edward Albrecht, seconded by Dub Crumley, the Board accepted staff recommendations.

Bob Buckley discussed the NACD South Central Area Meeting to be held in Amarillo, Texas on July 21-23, 2002 and asked Board members who planned to attend to advise staff.

The 2002 Annual Statewide Meeting of Soil and Water Conservation District Directors was discussed. James Moore advised the Board that Kris Parker will assume the planning responsibilities which had previously been handled by Mel Davis until his recent retirement. Ms. Parker said the Planning Committee had met the previous day and discussed doing pre-registration at a cost of \$60.00 for attendee and \$25.00 for spouse and \$75.00 on-site registration for attendee with a \$40.00 fee for spouses. On motion of Donald Swann, seconded by Dayton Elam, the Board adopted pre-registration and fees as recommended by the planning committee.

Ms. Parker reported that most districts have adopted rules for their districts to conduct the 2002 district director elections. Field representatives are working closely with districts.

A report on the June 18, 2002 General Government Subcommittee of the House Appropriations Committee Hearing was given by Dayton Elam and Bob Buckley.

Kris Parker discussed the Public Information/Education Report. She reported on media outreach, outreach, web site development and maintenance, conferences and contests, video library and other activities. She provided copies of all news releases that had been developed by staff since the last board meeting.

Ms. Parker reported on the District Fact Sheet and said information has been received from most all districts and staff was in the process of putting information together and hopes to have the information ready to distribute to districts at the Annual Meeting in October.

Tomas Dominguez discussed activities of the Natural Resources Conservation Service and reported their main focus is on the Farm Bill. He also discussed the heavy rains received by Central and South Central Texas and said thirty counties were eligible for federal disaster relief. He reported thirty watersheds were affected involving 300 structures and said structures held very well. He reported NRCS was working closely with FEMA. New sign up for EQIP had just closed. He also briefly discussed Third Party Vendors and said this program would be implemented October 1, 2002.

Kraig Gallimore reported on activities of the Texas Water Development Board and said the agency and the sixteen planning regions are busy in round two of the state water planning.

Dawn Heitman provided the Human Resource Report and introduced Tim Sims as the Program Administrator for the Pedernales Brush Control Project. She also reported two new hires – engineer technicians in the Harlingen and Wharton regional offices, both beginning August 1, 2002. Retirements included Mel Davis as of June 30, 2002; Charley Rodgers and Bob Buckley as of August 31, 2002. She reported two resignations, one termination and said recruitment is currently underway for an Accountant in Temple, and engineer in Mt. Pleasant and a secretary for Wharton. The agency currently has 56 employees with 23 minorities.

Bobbie Stephens provided and discussed the Budget Versus Expenditure Report for the ten-month period ending June 30, 2002 and said things were progressing as usual. There were no questions.

Kevin Wagner discussed considerations of basin wide fund proposals in the Twin Buttes/Upper Colorado Brush Control Projects. He said nine proposals had been received and were ranked according to brush type and density, water needs or potential needs, potential yield, wildlife considerations, landowner cooperation and time elements. Staff recommended the following four projects be funded:

Champion Creek	-	\$ 906,932
Pecan Creek	-	\$ 303,887
Spring/Dove Creek	-	\$1,146,275
Mountain Creek	-	\$ 332,429

Guests were introduced to make a presentation to the Board to ask for consideration of a Salt Cedar project for Bluff/Bull Creek. Guests were: Myron Calley, Upper Colorado SWCD; Kevin Wright, NRCS; Dr. Allan McGinty, Texas Cooperative Extension and Okla Thornton, Colorado River Municipal Water Authority. A request was made to the Board to fund a project on the Colorado River below Lake Thomas Dam to control Salt Cedars. The Board and staff explained that the brush funding the agency received from the State Legislature was specific in what it was to be used for and did not include Salt Cedar control. After much discussion James Moore was asked to give a history of the brush program and where it now stands. After additional discussion Mr. Moore advised that the agency will submit to EPA a TMDL project above Lake E.V. Spence for brush control including Salt Cedar. After discussion Dayton Elam moved to approve staff recommendations, Donald Swann, seconded. Dayton Elam, Donald Swann and Wayne Register voted for the

recommendation with Dub Crumley and Edward Albrecht voting against the recommendation. Motion carried 3-2. Mr. Register asked Mr. Moore what the Board could do to help with the problem of Salt Cedar. Mr. Moore said staff could pursue a 319 project to do brush control above Lake E.V. Spence. Bobbie Stephens said this would fall in the 2003 grant package and could possibly have some funding available by spring of next year if the project is approved for funding.

Bobbie Stephens then presented the proposed operating budget for fiscal year 2003 beginning September 1, 2002 and discussed by strategy. On motion of Edward Albrecht, seconded by Donald Swann, the Board approved and adopted the fiscal year 2003 operating budget as presented. (Copy attached)

Ms. Stephens discussed proposed fiscal year 2003 Technical Assistance allocations. She said there are 214 districts participating and their proposed allocations were the same as fiscal year 2002. The Board wanted to discuss allocations with their field representatives and deferred action until after lunch.

Bobbie Stephens then discussed proposed fiscal year 2003 allocations for Conservation Assistance (Matching) Funds. She said the allocations proposed are the same allocations as fiscal year 2002. On motion of Edward Albrecht, seconded by Dub Crumley, the Board adopted the allocations as presented. (Copy attached)

Ms. Stephens discussed proposed Exceptional Items for the 2004-2005 Biennium Legislative Appropriation Request and asked the Board for direction on requesting new agricultural water conservation bonds for the 2004-2005 biennium. On motion of Donald Swann, seconded by Edward Albrecht, the Board voted to seek bond funding. Ms. Stephens then proposed combining Technical Assistance and

Conservation Assistance into one Exceptional Item. On motion of Edward Albrecht, seconded by Dayton Elam the Board voted to combine into one Exceptional Item. Dub Crumley called for discussion. Bob Buckley explained it would not change the rules in any way and the Board would still approve the distribution of funds to the districts. The Board then discussed the ranking of the three Exceptional Items. On motion of Dayton Elam, seconded by Edward Albrecht, the Board ranked the Exceptional Items as follows:

1. Conservation Implementation Assistance
2. New Agricultural Water Conservation Bonds
3. Plant Material Center Funding

Ms. Stephens provided proposed appropriation riders for 2004-2005 and discussed changes made in each rider and explained reasons for changes. Proposed riders were:

1. Matching Requirements
2. Appropriation: Unexpended Balances between Biennium for Soil Conservation Districts
3. Appropriation: Unexpended Balances between fiscal years for the Agricultural Soil and Water Conservation Account
4. Allocation of Grant Funds

On motion of Donald Swann, seconded by Edward Albrecht, the Board approved all riders except #4 and Mr. Swann asked to discuss this one further. He was concerned some of the districts would not have enough funds available to operate if they did not receive their funding at the beginning of the fiscal year. Staff suggested upfronting districts with 25% of their grant funds for the first quarter to help districts with their cash flow. The Board postponed a decision until after lunch and asked staff to reword the rider.

Bobbie Stephens provided the agency Strategic Plan for fiscal years 2003 - 2007 dated June 15, 2002 and said the agency should be getting an approval letter in the next month or two.

Jason McAlister discussed the current status report on 319. He said the 1997 grant year has been closed and reports submitted. He gave a report on the status of fiscal year 2002 grant program and provided a guideline for fiscal year 2003 requests for proposals.

Kevin Wagner provided a status report on the Brush Control Program. He reported that 96,503 acres had been treated in the North Concho at a cost to the state of \$4,464,849 – a cost of \$46.27 average cost to the state per acre. Johnny Oswald introduced Tuffy Wood who works in the brush control program for the Glasscock County SWCD. Mr. Oswald said between 25,000 to 30,000 acres of brush have been sprayed. Mr. Wagner said the feasibility studies in the Palo Pinto Lake, Lake Brownwood, Lake Fort Phantom Hill and Lake Arrowhead watersheds were progressing according to schedule. He advised the maintenance/management study under the direction of the Upper Colorado River Authority is progressing according to schedule and a report will be delivered to the Texas Legislature in December 2002 with the findings. He also informed the Board that a mailing to about 4,000 landowners would be going out on July 12, 2002 advising of a sign-up for work in the new implementation areas in the Pedernales and Upper Colorado/Twin Buttes Reservoir watersheds.

Mr. Wagner discussed practices and maximum practice costs in the Pedernales and Twin Buttes/Upper Colorado Brush Control Projects. The Board was

advised that tree shearing plus stump treatment was a new practice and no formal research had been done on the practice. After discussion the Board deferred action until the September board meeting. Mr. Wagner discussed letters received from several districts concerning the control of solid stands of mesquite with chemical aerial spray in the Lake Ballinger, Oak Creek Lake and Champion Lake Watersheds because of sensitive crops (cotton) is grown near these solid stands of mesquite. Staff recommended the State Board uphold the current policy of spraying until such time that implementation of the program confirms that a variance is needed. On motion of Dub Crumley, seconded by Donald Swann, the Board voted to stay with staff recommendation.

Jason McAlister discussed the Water Quality Management Program approved cost share practice list. He said the Big Creek Lake in Delta County is listed as threatened by Atrazine according to the 1999 Texas 303(d) list. Charles Darter, director from the Delta County Soil and Water Conservation District spoke in favor of an incentive payment. After discussion the staff recommended the State Board consider approval of Water Quality Incentive Grants for Residue Management expressly for the purpose of the proposed North Texas Atrazine Demonstration Project. On motion of Dayton Elam, seconded by Donald Swann, the Board approved as recommended. Mr. McAlister then discussed a water quality incentive grant for crop residue management through CWA 319(h) for Oso Creek/Oso Bay Watershed Implementation Project. After discussion staff recommended the State Board consider approval of Water Quality Incentive Grants for Residue Management expressly for the purpose of the proposed Oso Creek/Oso Bay Watershed

Implementation Project. On motion of Donald Swann, seconded by Dub Crumley, the Board approved staff recommendation.

The Board then returned to the proposed fiscal year 2003 Technical Assistance allocations. No changes were recommended. On motion of Dayton Elam, seconded by Edward Albrecht, the Board adopted allocations for FY 2003 as presented. (Copy attached)

The Board then considered the newly re-worded proposed rider #4 for the 2004-2005 biennium allowing an allocation of 25% of Technical Assistance and Subchapter H Technical Assistance to local soil and water conservation districts by the State Board at the beginning of each fiscal year, the remaining balance to be distributed on a reimbursement basis for the fiscal year when expenditures are incurred. On motion of Edward Albrecht, seconded by Wayne Register, the Board accepted the new wording on the rider. Donald Swann asked the question if this would be to the advantage of the agency. Board voted and motion carried.

Kevin Wagner discussed funding in the Twin Buttes/Upper Colorado Brush Control Project. At the May 21, 2002 Board meeting the State Board approved expanding the area eligible for sign up in the Twin Buttes watershed to include Spring/Dove Creek sub-basins 4, 6-7, 11-15 and 20. Middle Concho SWCD recommended to staff to include sub-basins 8-10 and 16-19 in this watershed. Staff requested the Board to approve the SWCD's recommendation that the area eligible for the \$6.75 million cost share in the Twin Buttes watershed be expanded into Spring/Dove Creek sub-basins 8-10 and 16-19. On motion of Edward Albrecht, seconded by Donald Swann, the Board approved as recommended.

Donna Long provided a status report on the Total Maximum Daily Load (TMDL) program and discussed a TMDL project on a 44-mile segment of Petronila Creek (Segment 2204) which contains high levels of chloride, sulfate and total dissolved solids (TDS). She said staff attended a meeting hosted by the Nueces SWCD seeking input for structuring and carrying out a TMDL for this watershed segment.

John Foster updated the Board with a status report on implementation of SB 1339. He reported 186 poultry water quality management plans have been certified since the effective date of the bill and that there are approximately 221 poultry water quality management plans currently in development.

Richard Egg updated the Board on funding for rehabilitation of flood control structures and said the State Board had received applications for federal assistance for fiscal year 2003 rehabilitation of four control structures as follows:

1. Site 4, Martinez Creek Watershed Protection and Flood Prevention Project in Bexar County.
2. Site 5A, East Fork Trinity above Lavon Lake in Collin County.
3. Site 5, Salt Creek & Laterals Watershed Project in Wise County.
4. Site 121, Chambers Creek Watershed project in Navarro County.

Staff recommended the State Board approve these projects so they could be eligible to receive federal funds. On motion of Edward Albrecht, seconded by Dayton Elam, the projects were approved by the Board.

Mr. Egg discussed the Texas Water Development Board/Texas State Soil and Water Conservation Board joint water conservation study. He said the Legislature had directed the Texas Water Development Board and the Texas State Soil and Water Conservation Board to conduct a study of the ways to improve or expand

water conservation efforts and report back to the Legislature. Mr. Egg said their goal is to have a first draft in early August with a final ready for approval at the September board meeting.

Sam Unberhagen discussed the Water Quality Management Program Status Report. He said 778 plans have been developed for fiscal year 2002 as of July 11, 2002 and 383 plans have been reviewed. Complaint activity included 2 pending from last period with 3 being received this period – 3 have been investigated (all were valid) and 2 are in the process of being investigated.

Mr. Unberhagen discussed allocation of fiscal year 2002 water quality cost share funds and advised the Board of a request from Bedias Creek SWCD for a poultry operation. It was not a complaint driven request. On motion of Donald Swann, seconded by Edward Albrecht, the Board approved the request from Bedias Creek SWCD. Staff then requested the Board to authorize the Executive Director, in consultation with the Board Chairman, to allocate funds to projects as funds become available based on the requests submitted by districts for the March 2002 Board meeting on an as submitted basis. On motion of Edward Albrecht, seconded by Donald Swann, the Board approved staff recommendation.

Kevin Wagner discussed the review of the Water Quality Management Program Annual Evaluation adopted by the State Board in May 2001. He reported that following the adopted evaluation procedure the allocations to 22 soil and water conservation districts needed adjustment. Of those, 7 would receive increases and 15 would receive reduced allocations resulting in an additional \$12,772 funds to address statewide priorities.

Mr. Wagner then discussed allocation of fiscal year 2003 water quality cost share funds. Based on the adopted evaluation process the staff recommended 15 SWCDs receive reductions, 7 SWCDs receive increases and \$12,772 be added to the Statewide Fund. On motion of Dub Crumley, seconded by Donald Swann, the Board approved as recommended by staff. (Copy attached)

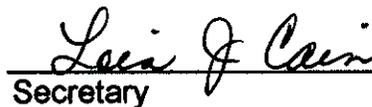
Kevin Wagner discussed consideration of expanding Central Texas and Northeast Texas Water Quality Management Program to include Animal Waste Application Fields as requested by the Chairman of the Cross Timbers SWCD. After discussion, staff recommended expanding the water quality priority of Central and Northeast Texas to include waste application fields. On motion of Dub Crumley, seconded by Donald Swann, the Board approved staff recommendation.

Bobbie Stephens provided the Board a report on their travel and per diem for the ten-month period ending June 30, 2002. She requested Board members to claim their travel since we were nearing the end of the fiscal year.

The Board then set August 29, 2002 for their next Board meeting to begin at 8:00 a.m. in Temple.

On motion of Edward Albrecht, seconded by Dayton Elam, the meeting adjourned at 2:20 p.m.


Chairman


Secretary

8-29-02
Date

I certify that the above is a true and correct copy of the minutes of the
Texas State Soil and Water Conservation Board meeting held on July 11, 2002.

8-29-02
Date


Executive Director