

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
July 26, 2001

The Texas State Soil and Water Conservation Board met on July 26, 2001 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
W. T. (Dub) Crumley, Member

Board members absent:

Donald Swann

Staff members present were:

Robert G. (Bob) Buckley, Executive Director
James M. Moore, Director of Conservation Programs
Mel Davis, Director of District Operations
Bobbie Stephens, Director of Administration
Kevin Wagner, Natural Resources Specialist
John Millican, Program Administrator
Clyde J. Gottschalk, Program Administrator
Dawn Heitman, Human Resources Specialist
Andrea Pennington, Accountant
Sam Unberhagen, Program Specialist
Kevin Canfield, Planner
Lee Munz, Planner
Richard Egg, Engineer
Tonni Balas, Information Specialist
Donna Long, Program Specialist
Lois J. Cain, Administrative Technician
Johnny Oswald, Program Administrator
Andy Garza, Regional Manager
Stephen Deiss, Regional Manager
Steve Jones, Regional Manager
John O'Connor, Regional Manager
Charlie Rodgers, Regional Manager
Rex Isom, Program Specialist
Bob Gruner, Program Specialist
Joe Freeman, Program Specialist

Ben Wilde, Program Specialist
Kendria Whitaker, Program Specialist
Adrian Perez, Program Specialist
Joel Clark, Program Specialist
David Powell, Program Specialist
Don Brandenberger, Program Specialist
Charlie Upchurch, Program Specialist

Others present were:

George Noelke, Attorney General's Office
Russell Gregorczyk, Jansen & Gregorczyk CPA
Dr. Allan Jones, Water Resources Institute
Clyde Bohnfalk, Texas Natural Resources Conservation Commission
Bryan Daniel, Rural Development
John Burt, Natural Resources Conservation Service
Jerry Walker, Natural Resources Conservation Service
James Featherston, Natural Resources Conservation Service
Kraig Gallimore, Texas Water Development Board
Jeff Walker, Texas Water Development Board
Don Burgess, Yoakum SWCD #150
Aubrey Russell, Association Of Texas SWCDs
Jose Dodier, Association of Texas SWCDs
Guillermo "Memo" Benavides, Association of Texas SWCDs
Blanche Byrd, Auxiliary of Association of Texas SWCDs
O. B. Byrd, Pecan Bayou SWCD #553
Jay Bragg, District Technician, Hill County-Blackland SWCD #530

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

Minutes from the May 17, 2001 Board meeting were considered. On motion of Wayne Register, seconded by Dayton Elam, the minutes were accepted as mailed.

Mel Davis presented seven district director appointments – six were complete and one from the Upper Clear Fork Soil and Water Conservation District #165 was a fax but original paperwork had been mailed. Mr. Davis said all appeared to be in order. On motion of Dayton Elam, seconded by Dub Crumley the following appointments were approved pending receipt of original paperwork from the Upper Clear Fork SWCD #165:

Terry Coker, Upper Clear Fork SWCD #165
Jay Janak, DeWitt Co. SWCD #339
Wayne Bosse, Washington SWCD #348
Donald E. Wood , Piney Woods SWCD #429
Rayford Lewis, Marion-Cass SWCD #433
Claudia Atlas, Johnson County SWCD #541
J. Charlie Blue, Bosque SWCD #555

Bobbie Stephens discussed the need to adopt the Internal Audit of Accounting System and Accounting Internal Control that was completed in February 2001 by the accounting firm of Jansen & Gregorczyk. Mr. Gregorczyk discussed his recommendations and said the staff had been every receptive. On motion of Dayton Elam, seconded by Wayne Register, the Board adopted the internal audit as presented.

Mr. Gregorczyk then discussed the Risk Assessment for Internal Audit of Fiscal Year 2002 and said the plan had been prepared following the same procedure as last year but with updated Risk Assessment. Proposed to do three audits including Human Resources, Brush Control Program, and Information Resources. On motion of Dub Crumley, seconded by Wayne Register, the Board voted to adopt the Risk Assessment for Internal Audit of Fiscal Year 2002 as presented.

Bobbie Stephens discussed the Budget Versus Expenditure Report for the ten month period ending June 30, 2001. There were no questions.

Ms. Stephens then discussed agency travel and provided an informational report on Board members and staff travel.

Ms. Stephens provided proposed Fiscal Year 2002 allocations for Conservation Assistance Funds (Matching Funds) and said no changes had been made from previous years. Recommended the Board to approve so the funds could be available

to districts by September 1, 2001. On motion of Dub Crumley, seconded by Wayne Register and Dayton Elam, the allocations were adopted as recommended. (Copy attached)

Ms. Stephens requested the Board to authorize districts with carry-over funds from the 2001 fiscal year involved in Subchapter H Technical Assistance program to utilize those funds as of September 1, 2001. She said it would allow districts to dedicate the funds to technical staff in a more efficient and timely manner. On motion of Wayne Register, seconded by Dayton Elam, the Board adopted staff recommendation.

Bobbie Stephens discussed proposed changes to Subchapter H Technical Assistance as outlined in a memo to the Board dated June 21, 2001. She advised she and James Moore had discussed with the State Comptroller's office ways to more efficiently and effectively distribute funds. The recommendation was made to the Board to approve procedural change for allocation and distribution, allow distribution of \$80,000 as of September 1, 2001, the beginning of Fiscal Year 2002, for Subchapter H Technical Assistance funds. On motion of Dub Crumley, seconded by Dayton Elam the motion was approved as recommended by the staff. (Copy attached)

Dr. Allan Jones, Director, Water Resources Institute, updated the Board on activities of his agency and advised that Dr. Bill Harris had retired from Texas A & M is now working for the Water Resources Institute. He said he was looking forward to strong working relations with the State Board and said they had been working closely with Kevin Wagner on the brush program, with Donna Long on the TMDL program and with Clyde Gottschalk on the information/education program. He also said the Institute

may have funding available that could be of interest to the State Board and opportunities in student interns, education, etc. The Institute is also looking at a statewide weather and drought information system for Texas.

Kraig Gallimore from the Texas Water Development Board advised their agency's Sunset Legislation had been passed during the recent Legislative Session and that the Water Development Board was looking forward to working with the State Board.

Bryan Daniel, State Director, Rural Development, advised he was looking forward to his agency working closely with the State Board in the future.

The Board then discussed setting a date to have a joint meeting between the State Board and the Texas Natural Resources Conservation Commission (TNRCC). Mr. Buckley advised he had had discussions with Clyde Bohnfalk from the TNRCC and proposed the joint meeting to be held in one of TNRCC's work sessions sometime in November. The State Board agreed to this proposal.

Bobbie Stephens discussed a proposed amendment to Title 31, Natural Resources and Conservation, Part XVII, Soil and Water Conservation Board, Chapter 525, Audit Requirements for Soil and Water Conservation Districts. Ms. Stephens referred to Section 525.8 Compliance Contingencies and discussed the need to have more options in keeping districts in compliance with their annual financial reports and audit reports. On motion of Wayne Register, seconded by Dayton Elam, the Board adopted the proposed revisions.

Dawn Heitman updated the Board on the agency's Human Rights Audit and provided a letter from the Texas Commission on Human Rights advising the State

Board plan had been approved. Mr. Buckley told the Board that Ms. Heitman deserved a great deal of praise for her work on this and that it was a major accomplishment for us to get this plan certified.

Ms. Heitman then discussed the Human Resource Report and advised that Bryan Daniel, Julia Jeske and Yvette Garcia had resigned and that Clyde Gottschalk would be retiring at the end of the fiscal year, August 31, 2001. She said the agency is currently recruiting for an Engineer III/IV for the Harlingen Regional Office. Ms. Heitman also provided an Employee Training Update for the period ending June 30, 2001. She advised the Board that the TMDL team would be relocating to the main office in Temple from the Blackland Research Center. The Board was provided a printed power point presentation on the Impact of the 77th Legislature on Workforce Management.

Bob Buckley discussed agency staffing plans. He said the agency will be looking at new Brush, TMDL and 319 projects and has asked the Assistant Executive Directors to look at their needs which will be brought to the Board at their September meeting. He also advised the Board that he would like to continue to utilize the position of Director of External Customer Relations which is presently vacant. Due to the close interaction this position will have with individual Board members Mr. Buckley stated that the Board will have direct input before the final selection is made to fill the position.

Mel Davis discussed the Conservation Awards Program and asked the Board if they wished to make any changes. The staff was not recommending any changes.

John Millican advised the entry fee may need to be increased a few dollars. Wayne

Register moved to increase the entry fee to \$40.00. Rex Isom said Area I had problems with the District Employee award and would like to see the rules amended to say the employee could only win the award every five years. Mr. Register then amended his motion to increase the entry fee from \$35.00 to \$40.00 and to change the rules that the winner of any category could only win once every five years. Dub Crumley seconded and motion carried.

John Burt then updated the Board on activities of the Natural Resources Conservation Service. He said \$35.5 million for nine states had been approved by Congress for emergency watershed funds and that Texas would get \$10 million. He also discussed principals for the Farm Bill and provided a Draft Farm Bill Concept Paper. Mr. Burt advised the Board that Jim Moseley from Indiana had just recently been appointed the new Deputy Secretary of Agriculture and that Mac Gray is the designee for Deputy Undersecretary. Mr. Burt discussed team performance and provided charts and reports on conservation planning and application hours per unit comparison. He advised that digital aerial photography will be completed by the end of 2001 and praised it highly.

Clyde Gottschalk provided a written report on activities of the Information/Education Department. Mr. Gottschalk, who will be retiring on August 31, 2001, expressed his thanks to each Board member for their help and support through the years.

Future state meeting sites were discussed by Mel Davis. Mr. Davis had been directed by the Board to look further in Galveston for facilities and he informed the Board the old convention center in Galveston is not operational any longer. The Board

then instructed staff to look at other cities to hold the 2004 State Meeting and asked the staff to check out Beaumont, Laredo and Arlington.

Mel Davis discussed a draft Memorandum of Understanding between the USDA Forest Service/Districts and State Board in the timber areas of the state. Wayne Register recommended staff solicit comments and opinions from soil and water conservation districts in the timber areas before the Board takes action. Staff will try to have information available for the September board meeting.

James Moore discussed proposed changes to the approved water quality cost share list and referred to the May 17, 2001 board meeting in which the State Board denied a request from the Yoakum Soil and Water Conservation District #150 concerning a waiver to the three gallons per minute on A-slope requirements as outlined for LEPA systems in the NRCS Irrigation Systems, Sprinkler (442) Conservation Practice Standard. Mr. Moore introduced Don Burgess, Chairman of the Yoakum SWCD who had requested to address the Board and explain the district's request. After Mr. Burgess had explained the district's position Jerry Walker from the state NRCS office in Temple was introduced and asked to respond. Mr. Walker said the system that is in place now may allow the district to do what they want to do. After discussion, Mr. Moore suggested sending Richard Egg, Staff Engineer, from the TSSWCB office in Temple and Mr. Walker to the Yoakum SWCD office to see what can be done under current guidelines and then bring back to the State Board at their meeting in September. All parties were agreeable.

Wayne Register discussed the need to survey districts concerning teaming of NRCS offices to get a feel of how it is really working and if this is the best thing for the

landowners of Texas. Mr. Register asked that Board to direct Mr. Buckley to start developing this survey and send it to each district chairman and to have the results back in time for the Annual State Meeting in San Antonio on October 15-17, 2001. Mr. Buckley said the staff could coordinate the survey with NRCS and have back by October 1, 2001. On motion of Wayne Register, seconded by Dub Crumley the staff was directed to develop and mail the survey as requested. Dub Crumley then asked for question. He asked if it would be better to send the survey to all soil and water conservation district directors. Mr. Buckley said the staff could do both – individual district directors and districts.

Bob Buckley discussed the 77th Legislative Session and provided a summary of the agency's Sunset Legislation for the Board's information and asked if they had any questions.

James Moore discussed a cooperative water conservation study with the Texas Water Development Board and advised the Board that staff would keep them informed as progress is made. This study is required by Senate Bill 312, the Water Development Board's Sunset Legislation, to find ways to improve or expand water conservation efforts and report back to the Legislature.

Mr. Moore discussed Fiscal Year 2001 Water Quality Cost Share Allocations and advised the Board that due to fiscal restraints there are no funds available to be allocated and recommended all new requests be deferred. The staff recommended the State Board direct that letters be sent to requesting districts asking them to request allocations from the upcoming fiscal year and thereby rollover their requests to fiscal year 2002. After discussion and on motion of Wayne Register, seconded by Dayton

Elam, the Board adopted staff recommendation to defer action on any current or future statewide requests until fiscal year 2002.

James Moore discussed Senate Bill 1339 which requires owners and operators of poultry facilities to implement and maintain certified water quality management plans.

Mr. Moore provided proposed amendments to 31 TAC, Chapter 523, Agricultural and Silvicultural Water Quality Management to incorporate requirements in Senate Bill 1339 into agency rules. On motion of Dub Crumley, seconded by Wayne Register, the Board approved the proposed amendments to be published in the **TEXAS REGISTER.**

Bob Buckley discussed proposed Fiscal Year 2002 Technical Assistance allocations and said nine new districts would be receiving allocations for the first time in the proposed allocations. He said the minimum allocation to every district would be \$3,000 in base funds plus incremental funds to bring total allocations to current levels. On motion of Wayne Register, seconded by Dub Crumley, the Board adopted staff recommendations. (Copy attached)

Bob Buckley discussed draft options to begin development of new criteria for allocation of Technical Assistance funds for 2003-2004 biennium to become effective September 1, 2002. Mr. Buckley said these draft options will be discussed at upcoming area association meetings.

Bobbie Stephens provided a proposed operating budget for Fiscal Year 2002 and discussed by appropriation strategy. On motion of Dayton Elam, seconded by

Dub Crumley, the proposed operating budget was adopted for Fiscal Year 2002.

(Copy attached)

Mel Davis discussed the Annual State Meeting of Soil and Water Conservation District Directors being held in San Antonio, Texas on October 15-17, 2001 and updated the Board on plans that have been made. He discussed possible speakers including a presentation by Baxter Black, a humorist speaker. Staff was directed to seek possible sponsors for coffee and soft drinks. After discussion and on motion of Wayne Register, seconded by Dayton Elam, the Board set the registration fee at \$55.00 and \$20.00 for spouses and directed staff to contract with Baxter Black to speak.

Kevin Wagner provided a written Water Quality Management Plan report which showed a total of 766 WQMPs had been approved for fiscal year 2001. One new complaint had been received since last Board meeting and is currently under investigation.

Mr. Wagner discussed Fiscal Year 2002 water quality cost share allocations and the recently adopted evaluation process. He advised that Garza SWCD #158 had requested their FY 2002 allocation be raised. Based on the evaluation process adopted in May 2001 the allocation for Garza SWCD would be raised from \$5,000 to \$10,526. On motion of Dayton Elam, seconded by Dub Crumley, the Board approved the staff recommendations for FY 2002 which included the increased allocation for Garza SWCD. (Copy attached)

Mr. Wagner then provided a status report on Section 319 projects being developed and currently underway for the Board's information. No action was required.

James Moore presented recommended guidelines for soil and water conservation district participation in Clean Water Act Section 319(h) projects. He advised the document had been reviewed by Cross Timbers SWCD and State Board field staff. Staff recommended the Board approve the Guidelines. On motion of Wayne Register, seconded by Dub Crumley, the Board adopted the guidelines as presented. (Copy attached)

Kevin Wagner discussed Fiscal Year 2002 Section 319 Grant Requests and recommended the State Board approve the following priorities for the FY 2002 319(h) grant cycle:

1. Administration of Agriculture/Silviculture NPS Management Programs
2. Statewide Management Project
3. Implementation Assistance in the Sam Rayburn Reservoir Watershed
4. Forest Service Project
5. Technical and financial assistance to dairy producers and landowners in the Leon River Watershed
6. Little River Atrazine Project
7. North Texas Atrazine Remediation Project
8. Statewide Technical Assistance Project
9. E. V. Spence Technical Assistance

On motion of Dayton Elam, seconded by Wayne Register, the priorities were approved as presented.

Donna Long provided a report on current status of Total Maximum Daily Loads and introduced Jay Bragg, district technician with the Hill County-Blackland SWCD. Current projects are in the Aquilla Reservoir, Arroyo-Colorado River, E. V. Spence Reservoir, Lake O'the Pines, North Bosque River, Sam Rayburn Reservoir and Toledo Bend Reservoir. Preparations are underway for a possible effort to address problems in the Leon River.

James Moore advised the Board of the need to renew an Interagency Cooperative Agreement the Board has with the Department of Criminal Justice dealing with the use of inmate labor in the State Brush Control Program, and asked the Board to authorize the Executive Director to sign a new master contract. Johnny Oswald reported this is a good program being utilized by districts in the North Concho River Watershed. After discussion and on motion of Dayton Elam, seconded by Dub Crumley, the Board authorized the Executive Director to enter into an agreement to continue this program.

Kevin Wagner discussed revisions to the State Brush Control Plan which would assess the Upper Guadalupe River Watershed to be included as a future feasibility study area. He said once a final assessment is completed and the revisions to the State Brush Control Plan are completed, they will be presented to the State Board for approval.

James Moore discussed Allocation of State Brush Control Funds for 2002-2003 biennium. He said the Legislature continued funding for the North Concho River

Watershed Brush Control Program. Mr. Moore said a contract has been developed between the TSSWCB and the Upper Colorado River Authority to continue ongoing monitoring of water yield in the North Concho River Watershed and asked the Board to authorize the Executive Director to enter into contract with the Upper Colorado River Authority. On motion of Wayne Register, seconded by Dayton Elam, the Board authorized the Executive Director to enter into contract, not to exceed \$201,420, with the Upper Colorado River Authority to continue the on-going monitoring program. Kevin Wagner then reported that the Legislature had provided \$500,000 for the State Board to complete feasibility studies in the Palo Pinto Lake, Lake Brownwood, Lake Fort Phantom Hill and Lake Arrowhead watersheds. To complete these studies the State Board needs to enter a contract with Texas A & M University to estimate water yields and determine the economic feasibility of brush control for each watershed. Contracts would also need to be entered into by the State Board with the Brazos River Authority, Lower Colorado River Authority and Red River Authority to assemble hydrologic evaluation reports for each watershed. Staff recommended the State Board authorize the Executive Director to enter into contracts with Texas A & M, Brazos River Authority, Lower Colorado River Authority and Red River Authority so that work can begin on these studies when funding becomes available on September 1, 2001. On motion of Dayton Elam, seconded by Wayne Register, the Board authorized the Executive Director to enter into the contracts as staff requested.

Mr. Moore reported that the Legislature appropriated \$500,000 to the State Board to study methods of adequately addressing future maintenance needs and identifying appropriate watershed management activities and financing mechanisms

for the State Brush Control Program. The Board was provided a copy of the draft contract to review and was asked to respond back to the staff by the middle of August with any comments. On motion of Dub Crumley, seconded by Wayne Register the Board voted to authorize the Executive Director to enter into a contract as presented after August 15 subject to any comments submitted by members of the Board.

Mr. Moore then discussed the need to allocate \$15 million in new brush control funds and recommended that the Board allocate \$11.3 million to the Middle Concho and Upper Colorado Watersheds and \$3.7 million to the Pedernales Watershed. Wayne Register moved to adopt the recommendation and Dayton Elam seconded the motion. Dub Crumley voted in opposition to the motion. The motion passed by a 3-1 vote.

James Moore discussed implementation of House Bill 3355 which requires that water quality management plans developed on lands where animal carcasses may be buried identify sites suitable for burial of animal carcasses and include guidelines for proper burial. Mr. Moore explained that the agency is already doing the basics of what the law requires and will implement the law with very little change to current procedures.

Bob Buckley discussed the Agency Strategic Marketing Plan and passed out a draft for Board review and said this is a beginning point for discussion. He said he hopes to have the plan in place by November.

Wayne Register discussed the salary of the Executive Director and said the Board has authority from the Legislature to increase Mr. Buckley's salary by 4%. Mr. Register moved to increase Mr. Buckley's salary to the maximum authorized by the Legislature of \$65,000, seconded by Dayton Elam. There was a question by Dub

Crumley who asked what state employees got and he was advised state employees received a 4% raise or \$100.00 whichever was greater. Vote was taken on Mr. Buckley's salary increase and it carried.

Bobbie Stephens provided a travel report for Board members ending June 30, 2001 and reminded Board members to get their travel in as soon as possible.

The Board discussed setting a date for the State Board to meet with the Directors of the Association of Texas Soil and Water Conservation Districts. It was suggested to meet in September at the next State Board meeting or in San Antonio in October during the Annual State Meeting. The Board found no problem with either date.

The next State Board meeting date was set for September 20, 2001.

Mel Davis provided a copy of a mailing for district director elections to be held for Zone 5 and said the districts will be required to publish the notice in their local newspapers as well as posting it in three public places.

The meeting was adjourned at 3:45 p.m.

Edward H. Albeck
Chairman

Luis J. Cain
Secretary

9-20-01
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 26, 2001.

9-20-01
Date

Robert L. Buckley
Executive Director