

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
August 29, 2002

The Texas State Soil and Water Conservation Board met on August 29, 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
Richard Egg, Engineer
Herman Huck, Accountant
Donna Long, Program Specialist
Dawn Heitman, Human Resources Specialist
John Foster, Natural Resources Specialist
Jay Bragg, Planner
Lois J. Cain, Administrative Technician
Johnny Oswald, Program Administrator
Tim Sims, Program Administrator
Andy Garza, Regional Manager
Rex Isom, Program Specialist
Bob Gruner, Program Specialist
Joe Freeman, Program Specialist
Ben Wilde, Program Specialist
Adrian Perez, Program Specialist
Joel Clark, Program Specialist
David Powell, Program Specialist
Don Brandenberger, Program Specialist

Others present were:

Tomas Dominguez, Natural Resources Conservation Service

Salvador Salinas, Natural Resources Conservation Service
Dr. Clarence Richardson, Agriculture Research Service
Clyde Bohmfalk, Texas Natural Resource Conservation Commission
Jerry Clark, Sabine River Authority
George Noelke, Attorney General's Office
Roy Freeman, Former TSSWCB Employee
Tamera Daniel, Association of Texas SWCDs
Joe Antilley, Former State Board Member
Rusty Ray, Lower Colorado River Authority
Wendy McDaniel-Foster, House Speaker Pete Laney's Office

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

On motion of Donald Swann, seconded by Dub Crumley, the minutes from the July 11, 2002 board meeting were approved as mailed.

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

Glen Lyons, Cochran SWCD #149
Harold Goehmann, Llano SWCD #233
Clifford Haun, DeWitt County SWCD #339
Benny J. Herford, Lower Neches SWCD #437
J. B. Sackett, Limestone-Falls SWCD #501
Bill Buchanan, Upper Sabine SWCD #530

Bobbie Stephens requested the Board to authorize the Executive Director to sign an inter-agency contract between the Texas Water Development Board and the Texas State Soil and Water Conservation Board. On motion of Donald Swann, seconded by Dayton Elam, the Board authorized the Executive Director to sign and ratify the interagency contract on behalf of the Board.

Donald Swann discussed raising the rate for Coastal Management Plan CMP-6217 from 50% to 75% cost share and asked what steps they should follow. After

discussion James Moore advised Mr. Swann he would need to check into this matter and would report his findings.

James Moore discussed revising Title 31. Natural Resources and Conservation, Part XVII. Soil and Water Conservation Board, Chapter 517. Financial Assistance, Subchapter B. Cost –Share Assistance for Brush Control. He said the proposed rule revisions were approved for publication at the May 2002 board meeting. He reported public hearings had already been held in Victoria, Pecos and Big Spring and provided the Board copies of brief comments heard at those meetings. Mr. Moore and Mr. Buckley advised the Board there is a lot of confusion and misunderstanding in the field. Mr. Moore said staff would make a recommendation to the Board after the public hearing in Temple set for 10 a.m. to 12 noon later in the board meeting.

Kevin Wagner discussed the Fiscal Year 2003 Brush Control Allocation and called on Tim Sims to report on the Pedernales Brush Control Project. Mr. Sims reported 209 applications have been received in thirteen subbasins for a total of 55,417 acres. Johnny Oswald reported on Twin Buttes/Upper Colorado (Oak Creek, Lake Ballinger, Mountain Creek and Lake Champion Watersheds) and said more acres were signed up for treatment than funds available. Staff felt we should start in the areas with the highest participation to treat the most brush to obtain the most water yield. Staff asked the Board if they wanted to make any recommendations to the Soil and Water Conservation Districts involved. Mr. Wagner referred to a motion made at the May 21, 2002 board meeting which read: "Staff requested the Board approve the SWCDs' recommendation to eliminate 50% participation requirement and authorize the SWCDs with input from State Board staff to assess participation and designate which

watersheds are funded." The motion was made by Donald Swann, seconded by Dayton Elam and eliminated the 50% participation requirement and directed staff to work with districts in determination of water eligibility. After discussion, and on staff recommendation, the Board agreed to let the motion made at the May board meeting stand and let the decision stand with the districts. The Board requested feedback at the September board meeting.

Bobbie Stephens discussed a letter to the agency from the Governor's Office concerning informational requirements for use by his budget staff in preparing budget proposals to the 78th Legislature. Ms. Stephens told the Board she was going to respond that the majority of our budget is program driven and performance measure numbers would decline if there were a budget reduction. She assured the Board no staff or programs would be cut.

Tomas Dominguez gave a report on NRCS activities and said there is a great demand for EQIP. He discussed a recent Technical Committee meeting in which they agreed to go with 50% cost share and said the Technical Committee will meet the first week in September on 2003 funds. He also reported on a meeting with Congressman Charlie Stenholm held August 14, 2002 in San Angelo and said it was a good informational session. James Moore said the State Board staff would be working with NRCS on a proposal on how to coordinate EQIP funds with the state brush control funds. Mr. Dominguez reported on a meeting with Indian Tribes and discussed the possibility of a follow up meeting in the near future. He announced the upcoming availability of electronic field office technical guides on the NRCS web page and that Texas was one of the pilot states. He informed the Board of the availability of a newly

published soil survey covering Loving and Winkler Counties. He also advised they were trying to finalize third party vendors which will be implemented in 2003; and said they were reviewing their field structure, have some new hires and that recruitment was on-going and going well. Salvador Salinas reported all the new hires have gone out to the field office level.

Joe Antilley, past State Board member from Area II, greeted the Board and said he supports the brush program and that brush control is a continuous battle.

Rusty Ray, Lower Colorado River Authority, addressed the Board and said they enjoy a great working relationship with the Board, staff and districts and are proud to partner with our agency on poster and essay contests and other programs. On behalf of the Lower Colorado River Authority (LCRA) he presented a Pecos Sand Stone plaque to Bob Buckley on his retirement. Mr. Buckley expressed his appreciation to LCRA and said he appreciated the working relations our staff has with LCRA.

At 10:00 a.m. Chairman Register open the brush control public hearing and asked if there was anyone in attendance to make any comments. There were no comments and the hearing was suspended and the board meeting reconvened.

Clyde Bohmfalk from the Texas Natural Resources Conservation Commission (TNRCC) advised the Board that Margaret Hoffman will become the head of TNRCC on October 1, 2002. He also informed the Board that as of September 1, 2002 their new agency name would be Texas Commission on Environmental Quality (TCEQ). Mr. Bohmfalk reported an implementation plan has gone out on a Total Maximum Daily Load (TMDL) in the Bosque and will be available for a public hearing. He said rules on watersheds and rules on concentrated animal feeding operations will be coming out

soon and will impact both the State Board and TNRCC. The State Board members requested that a second joint meeting be set to meet with the Commissioners of the TNRCC in the offices of the State Board. Mr. Bohmfalk said he would work with Mr. Moore to get this meeting set up.

Wendy McDaniel-Foster relayed greetings from House Speaker Pete Laney to the Board.

Dawn Heitman introduced Herman Huck to the Board and advised he was the new accountant.

The Board then set Friday, September 20, 2002, at 8:00 a.m. as their next board meeting date.

Donald Swann moved to record in the minutes and complimented retiring Executive Director Bob Buckley for his love for the land, love for the people and love for the work he has done for the State Board and for the cause in protecting the lands and resources of Texas. He said Mr. Buckley has been truthful and upfront and highly commended him on the job he has done for the Board and for Soil and Water Conservation Districts of Texas. Dayton Elam seconded the statement and the vote carried unanimously.

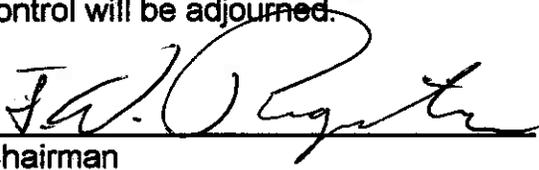
Mr. Buckley thanked the Board for the motion and for all the support he had received from them. He said it had been a pleasure to serve. He stated the organization is structured to be successful for many years to come and will continue to do so under James Moore's leadership.

Mr. Moore returned to the discussion on revising Title 31. Natural Resources and Conservation Part XVII. Soil and Water Conservation Board, Chapter 517. Financial

Assistance, Subchapter B. Cost-Share Assistance for Brush Control. Staff recommended the Board not take action, but take comments and address them and come back to the Board in September with a revised set of rules to help address the confusion and misunderstanding in the field. Mr. Moore said staff will be working until the September board meeting to answer any questions that have been raised. On motion of Edward Albrecht, seconded by Dub Crumley, the Board tabled these rules until the September board meeting.

At 10:35 a.m. Dub Crumley moved to adjourn the Board meeting, seconded by Donald Swann.

The public hearing on brush control was then reconvened and Chairman Register asked if there was anyone in attendance to comment. Again there were no comments. Chairman Register said James Moore would be available and instructed staff to take any public comments until 12 noon and then the public hearing on brush control will be adjourned.

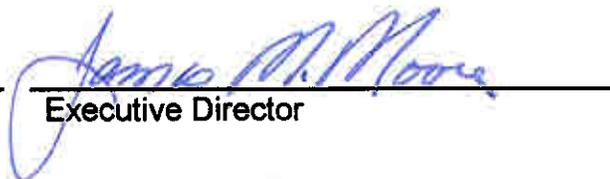

Chairman


Secretary

9-20-02
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 August 29, 2002.

9-20-02
Date


Executive Director