

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
November 13, 2000

The Texas State Soil and Water Conservation Board met on November 13, 2000 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
James K. (Rooter) Brite, Member

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
John Millican, Program Administrator
Johnny Oswald, Program Administrator
Sam Unberhagen, Program Specialist
Kevin Wagner, Natural Resources Specialist
Donna Long, Program Specialist
Julia Jeske, Program Specialist
Richard Egg, Engineer
Lee Munz, Planner
Dawn Heitman, Human Resources Specialist
Lois J. Cain, Administrative Technician

Others present were:

George Noelke, Attorney General's Office
Salvador Salinas, Natural Resources Conservation Service
James Tillman, Natural Resources Conservation Service
Dr. Bill Dugas, Blackland Research Center

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

Minutes from the September 20-21, 2000 Board meeting were considered. On motion of Rooter Brite, seconded by Dayton Elam, the minutes were approved as mailed.

Mel Davis presented district director appointments and advised all met the qualifications and appeared to be in order except for Blackwater Valley Soil and Water Conservation District #111. He advised staff was waiting for original paperwork to make this appointment complete. On motion of Don Swann, seconded by Rooter Brite, the following appointments were approved with the appointment from Blackwater Valley SWCD #111 also being approved pending receipt of original paperwork.

Larry W. Clawson, Blackwater Valley SWCD #111
Michael Hahn, Calhoun SWCD #345
Ricardo Chapa, Willacy SWCD #349
Mike Kristynik, Brazos County SWCD #450
Leonard T. Wood, Pecan Bayou SWCD #553

Mel Davis reviewed the 2000 Annual Statewide Meeting of Soil and Water Conservation District Directors held October 2-4, 2000 in Fort Worth, Texas at the Radisson Plaza Hotel. He provided a preliminary statement of revenues and expenses, list of addresses for thank you letters, breakdown of attendance, door prize winners and resolutions that were adopted. There was discussion on the resolutions concerning director compensation. Mr. Davis asked the Board if they had any comments on the State Meeting and none were made.

Mr. Davis then discussed the 2001 Annual Statewide Meeting of Soil and Water Conservation District Directors which will be held in San Antonio, Texas, October 15-17, 2001 in the Municipal Auditorium.

Future state meeting sites were discussed. Mel Davis had checked out dates and locations as requested by the Board - Austin, Corpus Christi, Galveston, South Padre Island and McAllen. After discussion and on motion of Wayne Register, seconded by Rooter Brite, the Board chose Corpus Christi as the site for the 2002 annual meeting on October 7-9, 2002.

After further discussion, on motion of Wayne Register, seconded by Don Swann, El Paso was chosen as the site for the 2003 annual meeting. The Board requested the meeting be scheduled for after district director elections. The Board then instructed staff to pursue Austin as the meeting site for 2004.

Mel Davis advised the Board that rooms had been blocked for them at the national NACD meeting to be held in Fort Worth, Texas, February 4-7, 2001 at the Radisson Plaza Hotel. He also informed the Board they would be pre-registered for the meeting.

Mr. Davis provided a list of district director election updates from the October 1-15, 2000 elections in Zone 4 of each district for the Board's information.

Johnny Oswald gave a status report on the North Concho River Brush Control Project. He said 118 plans have been completed and 92 contracts have been signed. Mr. Oswald said he hopes to have the remaining 77 plans written and completed by May 1, 2001. Wayne Register asked how the districts were working together and Mr. Oswald informed the Board. The Board requested to be kept advised because of the importance of this program.

Kevin Wagner discussed the Brush Control Feasibility Studies and advised the Board that a final report should be ready by the middle of December. Dr. Bill

Dugas, Director from the Blackland Research Center advised the Board of their duties relative to conducting the brush control feasibility studies as contracted and provided a handout. Mr. Wagner said these studies, when approved by the Board, would then be presented to the Legislature. After discussion the Board changed their regular meeting date in January and set it for January 4, 2001 to accommodate approval of the feasibility study results. The Board was advised there would be a Brush, Water and Wildlife Conference on November 30-December 1, 2000 at the YO Ranch Resort and Conference Center in Kerrville. Mr. Wagner said the State Board should begin to consider additional areas for feasibility studies. The Board asked staff to compile information before the January board meeting.

Salvador Salinas from the Natural Resources Conservation Service (NRCS) introduced James Tillman as the new assistant state conservationist. Mr. Tillman said he had previously been with NRCS in Illinois and gave his background of service for NRCS. He told the State Board the door to his office was open to discuss any problems or programs.

Bob Buckley advised the Board of a proposed request to amend the 2002-2003 Legislative Appropriation Request that would cover eight brush control projects. After discussion staff recommended the Board adopt this as an amendment to the agency LAR exceptional items request. On motion of Wayne Register, seconded by Dayton Elam, the Board adopted the amendment as requested.

Sam Unberhagen provided a Water Quality Management Program Status Report and discussed the summary which showed 147 plans certified so far in Fiscal Year 2001. He also said one complaint had been received and investigated.

Mr. Unberhagen discussed Fiscal Year 2001 water quality cost share allocations. He said there were four new requests for cost share from the statewide allocation. After discussion and on motion of Wayne Register, seconded by Don Swann, the Board voted to defer these requests until later in the fiscal year since none were complaint driven.

Kevin Wagner discussed the process for establishing water quality management program priorities. The State Board has authority to reassess priority areas and set new priority areas at its discretion. The State Board had directed staff at its July 20, 2000 Board meeting to develop such a process. Mr. Wagner discussed a draft procedure for the Board's review. After review and on motion of Rooter Brite, seconded by Dayton Elam, the Board approved staff recommendation as presented. (Copy attached).

Mr. Wagner then discussed the process for evaluating existing water quality management program priorities. He said the State Board had directed staff at the July 20, 2000 board meeting to develop a process for evaluating the 503 program annually. He provided a draft evaluation procedure developed by the staff. Staff recommended the State Board approve the draft evaluation procedure and initiate a test run to verify that the procedure is performing as intended with test run results to be presented at the January 2001 board meeting along with final evaluation procedure. The Board approved staff to proceed.

Donna Long provided the Section 319 Status Report. She said the Section 319(h) program has allowed the State Board to expand the Water Quality Management Program in several ways. Section 319(h) is in the process of converting to electronic means of grant and payment request submission to EPA and Texas will be the first in the region to do this. She advised the Board that advertisements for the purpose of soliciting employment for a watershed coordinator for the Bosque 319 composting project had been placed in several area newspapers.

Ms. Long gave an update report on the Total Maximum Daily Load (TMDL) Program. She said the goal of the Bosque River TMDL is to reduce phosphorus loadings and discussed a written report on Two Total Maximum Daily Loads for Phosphorous in the North Bosque River for Segments 1226 and 1255. After discussion, on motion of Dayton Elam, seconded by Wayne Register, the Board approved the TMDL in the North Bosque River, Segments 1226 and 1255. She also updated the Board on the Big Cypress Creek TMDL and the Arroyo-Colorado River TMDL.

Julia Jeske discussed the Total Maximum Daily Load for Atrazine in Aquilla Reservoir for Segment 1254 and recommended Board approval. After Board approval it will be submitted for adoption by the Texas Natural Resource Conservation Commission. If adopted, the document will then be released for public comment in December. After assimilating public comments and making any needed revisions, the TNRCC and TSSWCB will submit the final document to EPA

in March 2001. On motion of Wayne Register, seconded by Rooter Brite and Don Swann, the Board accepted the report as recommended by the staff.

James Moore discussed the need for the Board to adopt Emergency Rules on Incentive Payments for Manure Hauling in the North Bosque and Upper Leon Watersheds. He and Donna Long explained the proposed rules and said this would be a three-year pilot project. After discussion, on motion of Rooter Brite, seconded by Dayton Elam, the Board adopted the rules as emergency rules. Wayne Register opposed.

Mr. Moore then discussed the need to propose permanent rules on Incentives for Manure Hauling, 31 TAC Chapter 523, Agriculture and Silviculture Water Quality Management. On motion of Rooter Brite, seconded by Don Swann, the Board approved staff recommendation to propose rules as discussed. (Copy attached).

Salvador Salinas provided the NRCS report and advised the Board that John Burt was attending a State Conservationist meeting in Washington, D.C. talking about budgets and state allocations. He said the next State Technical Committee meeting will be December 13, 2000 at the Blackland Research Center in Temple. He briefly mentioned the Emergency Watershed Program and said funds are available for assistance for flood damage. Wayne Register asked about state office co-location. Mr. Salinas said there still has been no decision.

James Moore discussed Water Quality Management Program Cost-Share Reallocation needed as a result of recent rules adopted requiring cost share funds obligated or returned for reallocation by the end of February. He discussed the background concerning the unobligated funds, which will be reallocated at the

March, 2001 board meeting and asked the Board for instructions on preparing a process to reallocate these funds. After discussion, the Board agreed generally that funds returned should be kept in the priority area originally allocated if there are districts in that priority area that obligated all their allocation and request additional funds. The Board further agreed that funds in addition to those required for this could be re-allocated in other priority areas. The Board indicated that all requests for additional allocations of funds should be in the state office by March 1st if requests are to be considered.

Mr. Moore discussed a letter from Assistant Attorney General George Noelke concerning safety and liability issues relative to flood control structures in Texas and district responsibilities. He advised the Board that based upon the letter and discussion with Mr. Noelke that the Operation and Maintenance Agreements on PL 534 watershed projects need to be examined and need to be re-negotiated, if necessary, between concerned districts, counties and NRCS. The Board directed Mr. Moore to prepare a letter to affected districts explaining the need to examine O & M agreements along with the liability issues surrounding the situation for approval at the January Board meeting.

Kevin Wagner advised the Board that the agency is a voting member of the Texas Groundwater Protection Committee and discussed recommendations of the committee that will be included in the Committee's report to the Legislature. He said the State Board is one of ten agencies on the committee.

Don Swann reported on the Texas Coastal Management Program. He said he had attended two Coastal Coordination Council meetings and advised there is

another meeting set for early December. James Moore reported on an Executive Committee meeting he had attended in San Benito on October 25. He briefly discussed agenda items covered at the meeting, concentrating on preparations being made for a review of the State Coastal Management Program by the National Oceanic and Atmospheric Administration scheduled for December 11-15, 2000.

Dawn Heitman presented the Human Resource Report and reported Charlie Upchurch began work on October 30, 2000 as field representative in Area V and that Kendria Whitaker, as field representative in Area III and John Foster, as Program Specialist for the TMDL team, would begin work on December 1, 2000. She also reported Lee Munz had transferred as a Planner for Support Staff for Conservation Programs and that Chris Anzaldúa would be resigning effective November 30, 2000 from the Harlingen Regional office. Ms. Heitman said recruiting is underway for three positions. A report on Affirmative Action and Employee Training was also provided.

Bobbie Stephens provided the Budget Versus Expenditure Report for the Third Month of Fiscal Year 2001 and explained each appropriation item.

Ms. Stephen then discussed Budget Versus Expenditures for Fiscal Year 2000 and said what funds that were not expended had been encumbered.

Mel Davis provided the Board a written report of activities of the Public Information/Education Department. The report showed plans were underway for a district director training conference scheduled for January 9-10, 2001.

Bobbie Stephens provided a two-month Board member travel report for Fiscal Year 2001 ending October 20, 2000 for the Board's review. Rooter Brite asked for

approval of out-of-state travel so he could attend and participate in a GLCI meeting in Las Vegas, Nevada on December 5-8, 2000. On motion of Dayton Elam, seconded by Don Swann, the Board approved the travel and asked that he report back to the board on the meeting.

At 2:25 p.m. Chairman Albrecht called for an Executive Session of the Board.

At 3:07 p.m. the Board re-convened in regular session.

Chairman Albrecht called for a committee report. Dayton Elam made the recommendation that Bob Buckley interview Brian Daniel for the position of Special Assistant for External Customer Relations. On motion of Dayton Elam, seconded by Rooter Brite the Board adopted the committee report.

On motion of Wayne Register, seconded by Don Swann, the meeting adjourned at 3:10 p.m.

Edward G. Albrecht
Chairman

Lois J. Cain
Secretary

1-4-2001
Date

I certify that the above is a true and correct copy of the minutes of the Board meeting held on November 13, 2000.

1-4-2001
Date

Robert G. Buckley
Executive Director