



TEXAS STATE SOIL & WATER CONSERVATION BOARD

Monthly Program News and Activities

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The TSSWCB produces this monthly update of the agency’s activities as an informational service to local Soil and Water Conservation District Directors. I hope you find this information helpful, and if you have any questions please don’t hesitate to call your local field representative or our state headquarters.

REX ISOM, Executive Director

CONTENTS

State Board Work Session and Meeting.....	1
Budget and Accounting	1
Human Resources	2
Special Projects.....	2
Public Information and Education	2
Water Quality Management Plan Program	3
Poultry Water Quality Management Plans	4
Water Conservation Advisory Council	4
Texas Nonpoint Source Management Program.....	5
Nonpoint Source Grant Program.....	6
Total Maximum Daily Load Program.....	8
Watershed Protection Plan Program.....	8
Coastal NPS Pollution Control Program	9
Texas Groundwater Protection Committee.....	10
Water Quality Coordination Activities.....	10
Upcoming Public Meetings.....	13
Water Quality Planning and Implementation	14
Water Supply Enhancement Program	15
Flood Control Dam Programs.....	16

STATE BOARD WORK SESSION AND MEETING

The State Board has scheduled a Work Session on **Wednesday, March 21, 2012** and a formal State Board Meeting on **Thursday, March 22, 2012** in Temple. More information is available at <http://www.tsswcb.texas.gov/boardmeetings>, or by contacting Karen Preece at (254) 773-2250, ext. 245.

BUDGET AND ACCOUNTING

- A link to the online 2014-15 SWCD Biennial Budget Request and instructions on how to complete the request can be found on the SWCD Resources Page of the TSSWCB website. The submission deadline for the 2014-2015 SWCD Biennial Budget Request will be April 1st.

For more budget and accounting information, contact Kenny Zajicek at (254) 773-2250 ext. 236 or zajicek@tsswcb.texas.gov.

HUMAN RESOURCES

TSSWCB is currently not recruiting for any positions at this time.

For additional information on posted vacancies or to download an application, visit <https://www.tsswcb.texas.gov/employment>

SPECIAL PROJECTS

Program Overview

The TSSWCB Special Projects department provides coordination for the Annual State Meeting of Soil and Water Conservation District (SWCD) Directors, facilitates open government functions required by the Texas Administrative Procedures Act, and directs the completion of other mandatory agency responsibilities such as publishing the agency's Semi-Annual Report and coordinating rule-making functions.

Annual State Meeting of Texas SWCD Directors

Mark your calendars for October 29 - 31, 2012 and plan now to attend the 72nd Annual State Meeting planned for Bastrop. On line and phone reservations at the Hyatt Lost Pines Resort will be accepted from 4-18-12.

In their January meeting, the State Board authorized publishing an amendment to Chapter 520, Subchapter A, Election Procedures in the *Texas Register* for rule review and comment. The amendment relates to those situations when no one files to run as a candidate. It is presumed that the incumbent resigned and a vacancy occurs. The district may then submit and appointment, as long as it is not someone presumed to have resigned, for approval to the State Board. The amendment appeared in the February 13, 2012 issue of the *Texas Register*.

The State Board also approved publication of revised rules on Chapter 517; Cost Share Assistance for Brush Control. The revisions change the Chapter

to Cost Share Assistance for Water Supply Enhancement and revise the rules to be consistent with the new direction of the program. The amendments were published in the February 17 issue of the *Texas Register*.

Districts in Areas II and IV have been sent letters regarding their selection of Delegates to the Election Convention which will take place Tuesday, May 1, 2012 in both areas. Delegates must be returned to the State Board by April 1, 2012.

PUBLIC INFORMATION AND EDUCATION

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Conservation News

Conservation News is a collection of readily available current news and information regarding natural resource issues. TSSWCB periodically distributes Conservation News via email to those interested. To subscribe, send an email to conservation-news-subscribe@tsswcb.texas.gov. Conservation News is also available at <http://www.tsswcb.texas.gov/news>.

Program Development Workshop

A combination of thirty-nine SWCD Directors, employees and new NRCS District Conservationists attended the program development workshop held January 31-Feb 1, 2012. Though a date has not yet been set, the TSSWCB will continue to offer a second training workshop sometime in late June or early July.

Area Public Speaking Contests

Though dates have not yet been received from the Texas FFA for scheduled public speaking contests within the 10 Texas FFA areas, students are currently in the process of preparing for the Soil Stewardship public speaking contests. The theme of this year's speaking contest is "Soil to Spoon".

Area Association Updates

South Texas Association of SWCDS

Mark Massey, Vice President of Supply Acquisition and Harvest Operations for Biomass Energy Resources (BER) will SWCD directors who attended their February 28, semi-annual meeting of the South Texas Association of Soil and Water Conservation Districts (STASWCDS). Massey, who is headquartered in Plano, TX, presented a program on the company's harvesting of brush for the production of biomass.

Gulf Coast Association of Texas SWCDS

A meeting of the Gulf Coast Association of Soil and Water Conservation Districts (GCASWCDS) will be held February 29 in Inez, TX. District directors attending the meeting will tour South Texas Milling Inc. (STM), a family owned and operated stone milling business located South of Inez. The company's historical roots date back to 1870 when the family's ancestors built and operated one of the first wind powered grist mills in Texas. During the tour the conservation district directors observed how corn is cleaned and packaged for sale as deer corn. In addition, the conservation district officials saw how corn is ground and packaged in a variety of food products using old world stone grinding techniques.

Conservation Video Library

About the Library

There are over 200 conservation-related videos available; the 2011 catalog can be downloaded at <http://www.tsswcb.texas.gov/infoed/videolibrary>. No rental fees are assessed to those wishing to borrow videos from the library.

Ordering a Video

Select a video from the Conservation Video Catalog, then contact Mary Jo Schooler at mschooler@tsswcb.texas.gov to check it out. The Association of Texas SWCDs will pay the first transit postage costs to mail the video(s) to the requester. Postage for returning the video(s) will be the responsibility of the borrower. All videos must be insured upon return.

WATER QUALITY MANAGEMENT PLAN PROGRAM

Program Overview

With the passage of Senate Bill 503 in 1993, the Texas Legislature directed the TSSWCB to implement water quality management plans (WQMPs) to abate agricultural and silvicultural nonpoint source water pollution. A WQMP is a site-specific plan developed through and approved by SWCDs. The agency has been implementing WQMPs on private lands since late 1993 and has certified 10,080 plans on 3,873,753 acres as of February 14, 2012. All agriculture and silviculture producers in the state are eligible to have a water quality management plan developed. The TSSWCB identifies areas of the state where water quality is being negatively impacted by agricultural and silvicultural nonpoint source water pollution and allocates funding to those priority areas to serve as financial incentives to increase participation in the program. However, all animal feeding operations are considered to be high priority and are eligible to receive financial incentives to install needed practices in their WQMP through their priority area or statewide assistance program. More information about the WQMP Program is available at <http://www.tsswcb.texas.gov/wqmp>.

To date, the Texas State Soil and Water Conservation Board (TSSWCB) has certified Water Quality Management Plans on 1682 animal feeding operations (AFO) and concentrated animal feeding operations (CAFO) across the state. The brake down is as follows:

Beef Cattle	27
Swine	8
Sheep/Goats	5
Poultry	1244
Turkeys	41
Dairys	348
Auction Barns	4
Horses	5

According to the latest research results Water Quality Management Plans implemented in FY2011 have had a significant effect on reducing nutrient

and sediment loadings to the waters of the state. Results show that WQMPs implemented in 2011 reduced nitrogen by 303,640 pounds, phosphorus by 61,087 pounds, and sediment by 20764 tons.

FY2012 allocations of financial incentive funding for priority SWCDs was approved by the State Board in July 2011. The FY2012 fiscal year began on September 1, 2011 and the deadline for obligating FY2012 funds is April 30, 2012.

From September 01, 2011 through February 14 2012 , the TSSWCB has certified 117 water quality management plans on 33,626 acres.

POULTRY WATER QUALITY MANAGEMENT PLANS

Program Overview

In 2001, the 77th Texas Legislature amended the Texas Water Code to require all persons who own or operate a poultry facility to implement and maintain a WQMP certified by the TSSWCB.

In 2009, the 81st Texas Legislature amended the Texas Water Code to require TSSWCB to assess whether the existing and construction of all new poultry farms or existing farms that expand by more than 50% within ½ mile of permanently inhabited residences, businesses, or places of worship is likely to cause a persistent nuisance odor. An odor control plan may be required for those farms. The new law also requires all poultry producers and most receivers of poultry litter to keep records of poultry litter usage.

Program Activities

TSSWCB continues to conduct inspections of poultry CAFO facilities to ensure they are meeting all the necessary requirements. In addition, staff continues to review and update existing WQMPs and develop plans for newly constructed farms.

For more information on Poultry WQMPs, please visit <http://www.tsswcb.texas.gov/poultry> or contact the Poultry Program Office at (936) 462-7020.

WATER CONSERVATION ADVISORY COUNCIL

Program Overview

Recognizing the importance of water conservation in meeting our future demand, the 80th Texas Legislature in 2007, via the passage of Senate Bill 3 and House Bill 4, directed the Texas Water Development Board (TWDB) to appoint the members of the newly created Water Conservation Advisory Council (WCAC). The WCAC was created to provide the Governor, Lieutenant Governor, Speaker of the House of Representatives, Legislature, TWDB, Texas Commission on Environmental Quality (TCEQ), political subdivisions, and the public with the resource of a select council with expertise in water conservation.

According to the legislation, the WCAC is composed of 23 members appointed by the TWDB. At their August 27, 2007 meeting, the TWDB appointed one member to represent each of the 23 entities or interest groups. The TSSWCB is a statutorily-authorized member of the WCAC.

Duties of the WCAC include:

- Monitoring trends in water conservation implementation and new technologies for possible inclusion as BMPs
- Monitoring the effectiveness of the statewide water conservation public awareness program and developing and implementing a state water management resource library
- Developing and implementing a public recognition program for water conservation
- Monitoring the implementation of water conservation strategies by water users included in regional water plans
- Monitoring target and goal guidelines for water conservation to be considered by the TWDB and TCEQ
- Evaluating the desirability of requiring certification of water conservation training facilities, entities, and programs that provide assistance to retail public utilities in developing water conservation plans

Recent Activities

A meeting was held on February 21, 2012 in Austin. Meeting agendas and minutes are available on the WCAC's web site:
<http://www.savetexaswater.org>.

Upcoming Activities

The agricultural workgroup, over the next biennium, will be reviewing the state's agricultural water conservation BMPs that were developed by the Water Conservation Task Force (2003-2005). The workgroup will determine if each BMP is still appropriate as is, or if it needs updating or removal. The agricultural workgroup will also review current methods of reporting irrigation water use (e.g., gal/ac, gal/ton) to evaluate if current methods are appropriate, or if more efficient methods should be developed and used.

The workgroups do not make any decisions, but make recommendations to the WCAC for any required decisions. All interested persons are welcome and encouraged to participate as members of the various workgroups. If anyone is interested in becoming a workgroup member, please contact Richard Egg at (254) 773-2250 ext. 246 or regg@tsswcb.texas.gov. More information on the WCAC is available at <http://www.savetexaswater.org/>.

TEXAS NONPOINT SOURCE MANAGEMENT PROGRAM

Program Overview

The federal Clean Water Act (CWA) requires states to develop a program to protect the quality of water resources from the adverse effects of nonpoint source (NPS) water pollution. The *Texas NPS Management Program* is the State's comprehensive strategy for addressing NPS pollution. The program publication is updated every five years. The most recent revision was submitted to the U.S. Environmental Protection Agency (EPA) by the Governor in December 2005. The *Texas NPS Management Program* is jointly administered by the TSSWCB and the Texas Commission on Environmental Quality (TCEQ).

The *Texas NPS Management Program* utilizes baseline water quality management programs and regulatory, voluntary, financial, and technical assistance approaches to achieve a balanced program. NPS pollution is managed through assessment, planning, implementation, and education. The TCEQ and TSSWCB have established goals and objectives for guiding and tracking the progress of NPS management in Texas. Success in achieving the goals and objectives are reported annually in the *Annual Report on Managing NPS Water Pollution in Texas*, which is submitted to the EPA in accordance with the CWA.

Implementation of the *Texas NPS Management Program* involves partnerships among many organizations. With the extent and variety of NPS issues across Texas, cooperation across political boundaries is essential. SWCDs are vital partners in working with landowners to implement best management practices (BMPs) that prevent and abate agricultural and silvicultural NPS water pollution.

More information on the *Texas NPS Management Program*, including the *2011 Annual Report*, is available at <http://www.tsswcb.texas.gov/managementprogram>.

The following is a compilation of relevant information pertaining to the multiple water quality programs and functions administered by and/or coordinated through the TSSWCB Statewide Resource Management (SRM) group that collectively represent the agency's efforts in supporting the goals and objectives of the *Texas NPS Management Program*.

Watershed Approach

Protecting the State's rivers, streams, lakes, bays, and aquifers from the impacts of NPS pollution is a complex process. Texas uses a Watershed Approach to focus efforts on the highest priority water quality issues of both surface and ground water. The Watershed Approach is based on the following principles:

- Geographic focus based on hydrology rather than political boundaries;

- Water quality objectives based on scientific data;
- Coordinated priorities and integrated solutions; and,
- Diverse, well-integrated partnerships.

The TSSWCB applies the Watershed Approach to managing NPS pollution by channeling its efforts to restore and protect water quality through the development and implementation of watershed protection plans (WPPs) and total maximum daily loads (TMDLs) in those watersheds where agricultural and/or silvicultural NPS pollution is contributing to a water quality impairment or concern to an extent which TSSWCB believes is sufficient to justify expenditure of agency resources. A list of these watersheds, including links to on-going restoration projects within those watersheds, is available at

<http://www.tsswcb.texas.gov/watersheds>.

Summaries of the TSSWCB's activities within specific watersheds are provided in the *Water Quality Planning and Implementation* section of this report.

Texas Nonpoint Source Management Program – Revision Status

On February 10, 2012, TSSWCB released the draft *2012 Texas NPS Management Program* for public comment. Notice of the availability of the document for public review and comment was published in the Texas Register. The public comment period extends from February 10, 2012 through March 12, 2012. Comments may be submitted by email to Arthur Talley at arthur.talley@tceq.texas.gov on behalf of both agencies.

The draft document will be discussed, and comments will be received, at a public meeting scheduled for February 23, 2012 at 9:00 a.m. at the offices of TCEQ in Austin (12100 Park 35 Circle, Building F, Room 2210).

The State of Texas must have a federally approved Management Program in order to continue receiving CWA §319(h) grant monies from the EPA. The “Texas NPS Management Program” was last approved in December 2005 for a five-year planning period. Since that time, significant events

have occurred in the program and the State must now update the Management Program to provide for new initiatives and to specify program goals for the upcoming planning period.

The draft *2012 Texas NPS Management Program* document has been developed consistent with regulatory guidance from EPA to satisfy requirements of the federal CWA. Informal comments on the draft document were solicited from a statewide stakeholder group. The draft document incorporates EPA's nine components of an effective program; establishes long- and short-term goals for the program; provides for the coordination of NPS-related programs and activities conducted by federal, state, regional, and local entities; and prioritizes assessment, planning, and implementation activities in priority watersheds and aquifers.

The draft document is available at <http://www.tsswcb.texas.gov/managementprogram#revision>.

Nonpoint Source Grant Program

The NPS Grant Program is administered by the TSSWCB for the purpose of providing funding as grants to cooperating entities for activities that address the goals and objectives stated in the *Texas NPS Management Program*. The Texas Legislature and the U.S. Congress (through the EPA) provide funding to the TSSWCB to administer the agricultural and silvicultural components of the *Texas NPS Management Program* through the TSSWCB NPS Grant Program.

Summaries of the TSSWCB's activities within specific watersheds funded through this NPS Grant Program are available in the *Water Quality Planning and Implementation* section of this report.

Clean Water Act §319(h) Grant Funding

Background

Congress enacted §319(h) of the CWA in 1987, establishing a national program to control NPS

water pollution. Through §319(h), federal funds are provided annually through the EPA to States for the implementation of each State's NPS Management Program. The §319(h) funding in Texas is divided equally between the TCEQ and the TSSWCB. Over the past several years, the State's allocation has been approximately \$9 million.

In November 2011, EPA submitted *A National Evaluation of the Clean Water Act Section 319 Program* to the Office of Management and Budget (OMB). This national program evaluation was conducted by EPA to improve understanding of how States currently utilize and leverage §319(h) grant funds to achieve NPS management program goals and to identify opportunities for improvement of the §319(h) program. Recommendations for programmatic improvement included in the report may be used by EPA, OMB, the Administration, or Congress to improve accountability and effectiveness of the §319(h) grant program. The report is available at <http://www.epa.gov/owow/nps/pdf/319evaluation.pdf>.

FY2006 – FY2011 CWA §319(h) Grant Status

There are currently 49 on-going §319(h) grant-funded projects addressing a wide array of agricultural and silvicultural NPS issues. Unliquidated federal funds for these 49 on-going projects total approximately \$15.7 million and are primarily being used to implement BMPs to abate NPS pollution from animal feeding operations, grazing livestock operations and row crop operations; provide technical assistance through SWCDs for the development of WQMPs; provide financial incentives for implementing certain BMPs prescribed in WQMPs; support various targeted educational programs; develop and implement WPPs; and implement the NPS portion of TMDL I-Plans.

FY2012 Request for Proposals

TSSWCB SRM staff identified priority areas and activities for this funding cycle based on the *Texas NPS Management Program* and the *2010 Integrated Report*. The deadline for proposal submission was

October 14, 2011. TSSWCB received 28 proposals requesting a total of \$11,040,653 in federal funds. Received proposals have been reviewed by SRM staff based on the published ranking criteria and are being selected for funding. SRM staff are in the process of finalizing workplans and budgets with collaborating entities. Projects receiving federal funding must be submitted to EPA in spring 2012 for review and approval.

State General Revenue Grant Funding

Background

The 80th Texas Legislature appropriated general revenue funds to the TSSWCB for the purpose of planning, implementing, and managing programs and practices for preventing and abating agricultural and silvicultural NPS water pollution in impaired watersheds; the 81st and 82nd Texas Legislatures renewed this appropriation.

The State Board has approved operating budgets for FY2010, FY2011 and FY2012 that allocated a total of \$3.77 million in state general revenue to the NPS Grant Program. On September 17, 2009, the Board approved a revised *TSSWCB Policy on TMDLs and Watershed Planning, Assessment, and Implementation Activities* which provides guidance to SRM staff on directing these state appropriations for the NPS Grant Program. This *Policy* is available at <http://www.tsswcb.texas.gov/managementprogram#StateGR>.

FY2010 – FY2012 State General Revenue Grant Status

There are currently 9 on-going general revenue-funded projects addressing an array of agricultural and silvicultural NPS issues. Unliquidated state funds for these 9 on-going projects total approximately \$3 million and are primarily being used to implement agricultural NPS components of TMDL I-Plans; conduct recreational use attainability analyses (RUAs); support increased analytical infrastructure at public bacterial source tracking (BST) laboratories; demonstrate innovative BMPs on animal feeding operations and grazing lands; and collect and analyze water quality data for watersheds with impaired waterbodies.

TSSWCB SRM staff are in the process of finalizing workplans and budgets with collaborating entities to obligate remaining FY2012 allocated funds.

Total Maximum Daily Load Program

Background

The CWA requires Texas to identify lakes, rivers, streams, and estuaries failing to meet or not expected to meet water quality standards and not supporting their designated uses (swimming, drinking, aquatic life, etc.). This list of impaired waterbodies is known as the *Texas 303(d) List* and must be submitted to the EPA for review and approval every two years.

The State must then establish a TMDL for certain waterbodies identified on the *Texas 303(d) List*. A TMDL defines the maximum amount of a pollutant that a waterbody can assimilate on a daily basis and still meet water quality standards. The pollution reduction goal set by the TMDL is necessary to restore attainment of the designated use of the impaired waterbody. The TMDL allocates pollutant loads between point sources and nonpoint sources. It also takes into account a margin of safety, which reflects uncertainty and future growth.

Based on the environmental target of the TMDL an Implementation Plan (I-Plan) is then developed that prescribes the measures necessary to mitigate anthropogenic (human-caused) sources of that pollutant in that waterbody. The I-Plan specifies limits for point source dischargers and recommends BMPs for nonpoint sources. It also lays out a schedule for implementation. Together, the TMDL and the I-Plan serve as the mechanism to reduce the pollutant, restore the full use of the waterbody, and remove it from the *303(d) List*. EPA must approve the TMDL, but the I-Plan only requires State approval. TSSWCB shares responsibility with the TCEQ for the development and implementation of TMDLs.

More information on TMDLs is available at <http://www.tsswcb.texas.gov/tmdl>. Summaries of the TSSWCB's activities within specific watersheds are available in the *Water Quality Planning and Implementation* section of this report.

Watershed Protection Plan Program

Background

Watershed Protection Plans (WPPs) are locally-driven mechanisms for voluntarily addressing complex water quality problems that cross multiple jurisdictions. WPPs are coordinated frameworks for implementing prioritized water quality protection and restoration strategies driven by environmental objectives. Through the watershed planning process, TSSWCB encourages stakeholders to holistically address all of the sources and causes of impairments and threats to both surface and ground water resources within a watershed.

WPPs integrate activities and prioritize implementation projects based upon technical merit and benefits to the community, promote a unified approach to seeking funding for implementation, and create a coordinated public education program. Developed and implemented through diverse, well integrated partnerships, a WPP assures the long-term health of the watershed with solutions that are socially acceptable and economically viable which achieve environmental goals for water resources. Adaptive management is used to modify the WPP based on an on-going science-based process that incorporates new knowledge into decision-making.

TSSWCB provides technical and financial assistance to local stakeholder groups to develop and implement WPPs to address significant agricultural or silvicultural NPS issues. EPA requires certain expenditures through CWA §319(h) grants to be in accordance with a WPP. While WPPs sponsored by TCEQ have significant water quality issues related to urban NPS pollution or wastewater treatment, most, to varying degrees, have agricultural or silvicultural NPS pollution components. There are several other watershed planning projects across the state which are funded and sponsored by entities and agencies other than TSSWCB or TCEQ.

More information on WPPs is available at <http://www.tsswcb.texas.gov/wpp>. Summaries of the TSSWCB's activities within specific watersheds are available in the *Water Quality Planning and Implementation* section of this report.

Coastal NPS Pollution Control Program

Background

The Texas Coastal Management Program (CMP) was created to coordinate state, local and federal programs for the management of Texas coastal resources. The CMP improves the management of the State's coastal resources to ensure long-term ecological and economic productivity of the coast. The CMP brings in federal Coastal Zone Management Act (CZMA) funds to Texas to implement projects and program activities for a wide variety of purposes. The Texas General Land Office (GLO) and the Land Commissioner are responsible for coordinating activities associated with the CMP. The Coastal Coordination Advisory Committee (CCAC), established by the Texas Legislature, advises the Land Commissioner on matters related to implementation of the CMP; the TSSWCB is a statutorily-authorized member of the CCAC.

The GLO is charged with adopting uniform goals and policies to guide decision-making by all entities regulating or managing natural resource use within the Texas coastal area. The GLO reviews significant actions taken or authorized by state agencies and subdivisions of state government that may adversely affect coastal natural resources to determine consistency with CMP goals and policies. In addition, the GLO oversees the CMP Grants Program and the Small Business and Individual Permitting Assistance Program.

The federal Coastal Zone Act Reauthorization Amendments (CZARA) §6217 requires each State with an approved CMP to develop a federally approvable program to control coastal NPS pollution. The National Oceanic and Atmospheric Administration (NOAA) and the EPA jointly administer §6217 at the federal level. In Texas, the TSSWCB and the TCEQ hold primary responsibility for the development and implementation of the Texas Coastal NPS Pollution Control Program.

More information on the CMP is available at <http://www.glo.texas.gov/what-we-do/caring-for->

[the-coast/grants-funding/cmp/index.html](http://www.glo.texas.gov/what-we-do/caring-for-the-coast/grants-funding/cmp/index.html).

Conditional Approval Status of Coastal NPS Program

Texas submitted the Texas Coastal NPS Pollution Control Program to EPA and NOAA in December 1998. In July 2003, NOAA and EPA issued conditional approval of the Texas Coastal NPS Pollution Control Program. NOAA identified five areas the State must strengthen or correct; the agricultural and silvicultural portions of the program were approved without conditions. Texas had five years to meet the remaining conditions to gain full approval. States that fail to submit an adequate program (full approval) face penalties including loss of EPA and NOAA funds, including CWA §319(h) NPS grant monies.

In July 2008, the State again responded to the remaining conditional approval findings of NOAA and EPA. It was anticipated that this response would address the remaining conditions resulting in a fully-approved program. However, in May 2009, GLO received comments from NOAA and EPA which concluded that enough progress had been made to lift only one of the conditions. TCEQ is finalizing a letter to NOAA and EPA that describes the State's approach to address the remaining conditional approval findings.

In January 2012, GLO submitted TCEQ's response to the OSSD (on site sewage disposal) management measure to NOAA and EPA.

Coastal Coordination Advisory Committee

The Coastal Coordination Advisory Committee (CCAC) was reviewed by the Sunset Advisory Commission this biennium. Sunset legislation (SB656) has been signed by the Governor. The act abolishes the CCC and transfers its functions to the Land Commissioner and the GLO. The legislation also requires establishment of a Coastal Coordination Advisory Committee to advise the Land Commissioner on matters related to the CMP. This Advisory Committee includes a representative of the TSSWCB designated by the Chairman of the State Board. The act took effect September 1, 2011.

The general structure of the coastal program will be

work groups from the agencies and governor appointees to focus on specific projects, modeled on the grants workgroup. The main function of the Advisory Committee will be to provide consistency review of federal projects and actions, and to provide support to the work groups.

More information on the CCAC is available for a limited time at

<http://www.glo.texas.gov/GLO/boards-and-commissions/coastal-coordination-council/index.html>.

CMP Grant Program

Information for Grant Cycle 18 will be distributed in April 2012.

More information on the CMP grant program can be found at <http://www.glo.texas.gov/what-we-do/caring-for-the-coast/grants-funding/cmp/index.html>.

Texas Groundwater Protection Committee

Background

Established by the Texas Legislature in 1989, the Texas Groundwater Protection Committee (TGPC) bridges the gap between State groundwater programs, improves coordination between member agencies, and works to protect groundwater as a vital resource; the TSSWCB is a statutorily-authorized member of the TGPC.

The Texas Water Code sets non-degradation of the State's groundwater resources as the goal for all State programs and asserts that groundwater is kept reasonably free of contaminants that interfere with its present and potential uses. The TGPC implements the State's groundwater protection policy which:

- Requires that pollution discharges, waste disposal and other regulated activities not harm public health or impair current or potential groundwater use;
- Recognizes the variability between aquifers;
- Acknowledges the importance of water quality;
- Balances the protection of the environment and the long-term economic health of the state; and,

- Recognizes the use of the best professional judgment of the responsible state agencies to implement the policy.

Activities of the TGPC and Subcommittees

The next Public Outreach & Education meeting is set for March 1, 2012. The nonpoint source task force will meet March 30, 2012.

More information on the TGPC is available at <http://www.tgpc.texas.gov/>.

Water Quality Coordination Activities

Coordination with TCEQ

On September 27, 2006, at a joint meeting, the TSSWCB and the TCEQ approved a new *Memorandum of Agreement (MOA) on TMDLs, I-Plans, and WPPs*. This framework for collaboration between the two agencies describes the programmatic mechanisms employed to develop and implement TMDLs and WPPs. TSSWCB SRM staff continue to work with TCEQ staff to implement components of the MOA including meeting regularly to discuss the status of the NPS Management Program and its related projects. The MOA is available at <http://www.tsswcb.texas.gov/tmdl#moa>.

Surface Water Quality Standards Revision

On June 30, 2010, the TCEQ adopted major revisions to 30 Texas Administrative Code Chapter 307, Texas Surface Water Quality Standards (Standards), and the *Procedures to Implement the Texas Surface Water Quality Standards, RG-194 (IPs)*. These major revisions to the Standards include the establishment of numeric nutrient criteria for large reservoirs and significant modifications to contact recreation use and associated bacteria criteria. The adopted Standards became effective as a State rule on July 22, 2010. TCEQ submitted the revised Standards and IPs to EPA on August 4, 2010. EPA must now take action to approve these changes to the Standards in accordance with the federal CWA.

On June 29, 2011, EPA notified TCEQ of action taken on the water quality standards revisions. EPA approved the changes to recreation use and bacteria

criteria. However, the high flow exemption was disapproved.

More information on the revisions to the Standards is available at:

http://www.tceq.state.tx.us/permitting/water_quality/stakeholders/2010standards.html.

Watershed Action Planning Process

Watershed Action Planning (WAP) is a new process for coordinating, documenting, and tracking the State's water quality management programs. The WAP process coordinates planning and activities among TCEQ, TSSWCB, the Texas Clean Rivers Program partners, and stakeholders at the watershed level. The process can have significant implications for regional and local residents. The major objectives of WAP are to:

- engage stakeholders more fully in determining strategies that restore water quality,
- improve access to state agencies' water quality management decisions and increase transparency of decision-making, and
- improve accountability of state agencies' commitments to improve water quality

The WAP process recognizes a range of tools and options for addressing impaired waterbodies on the *303(d) List*. The WAP process provides for a stakeholder-led evaluation of watershed-specific circumstances and a deliberative and collective decision as to what tool to apply to move forward with addressing the impairment. A major product of the WAP process is a comprehensive strategy for improving the quality of impaired waters and protecting waterbodies of special interest. Those strategies are summarized in the *WAP Strategy Table* which is maintained by TCEQ. The *WAP Strategy Table* will be updated as frequently as needed to meeting the objectives of this evolving process. The *WAP Strategy Table* lists:

- impaired and special interest waterbodies
- the recommended strategies to improve water quality in impaired segments or to protect waterbodies of special interest
- the status of each strategy
- the lead agency and program for tracking each strategy

WAP will increase the transparency of the State's water quality management programs by presenting the list of impaired waters in such a manner as to communicate activities and intentions collectively to the public at large. WAP is key to providing for the collaboration being called for and the coordination necessary to achieve the goal of clean water for Texas. More information on WAP is available at

<http://www.tceq.texas.gov/waterquality/planning/wap/index>.

On January 13, 2012, TCEQ published the first iteration of the *Watershed Action Planning Strategy Table* (December 2011). During 2011, participating agencies initiated this complex cycle and recommended strategies for nearly 1,190 impairments and over 30 special interest waterbodies.

Recreational Use Attainability Analyses

The recently adopted revisions to the Texas Surface Water Quality Standards establish a four tier approach to recreation use including primary contact recreation, secondary contact recreation 1, secondary contact recreation 2, and noncontact recreation. In order to change the presumed level of recreation use of a waterbody (i.e., primary contact) to any of the other 3 tiers and the associated bacteria criterion, a recreational use attainability analysis (RUAA) must be completed for each waterbody and approved by TCEQ and subsequently EPA.

The purpose of an RUAA is to ascertain the actual recreation occurring on a waterbody, establish or verify a presumed use, and, if necessary, assign a more appropriate use. During an RUAA information is collected on water recreation activities, stream flow type, and stream depth; additionally, interviews from users who are present during surveys and those familiar with the waterbody are conducted and a review of historical information is completed. If the results of the RUAA indicate that a different, more appropriate use is warranted, the resulting change in the associated bacteria criterion may result in the waterbody no longer being identified on the *303(d) List* as impaired, thus negating the need to adopt a TMDL.

The TCEQ is in the process of conducting RUAAs on over 90 waterbodies across the state; TSSWCB is taking the lead on conducting RUAAs on another 12 waterbodies. TCEQ contractors were asked to coordinate communication with SWCDs through TSSWCB SRM staff. After the RUAAs are conducted, TCEQ will evaluate the information and again consult with stakeholders regarding potential site-specific revisions to the Surface Water Quality Standards for each waterbody.

Summaries of RUAAs activities on waterbodies where TMDLs and/or WPPs are also on-going are available in the *Water Quality Planning and Implementation* section of this report.

More information on RUAAs is available at http://www.tceq.texas.gov/permitting/water_quality/wq_assessment/standards/ruaas/index. These RUAAs affect livestock operations in scores of watersheds across the state.

Texas Integrated Report for CWA §§305(b) and 303(d)

The *Texas Integrated Report* (IR) summarizes the status of the State's surface waters, including concerns for public health, fitness for use by aquatic species and other wildlife, and specific pollutants and their possible sources, as required by CWA §305(b). The IR also identifies waterbodies not attaining water quality standards (i.e., impaired), as required by CWA §303(d).

On November 18, 2011, EPA approved the *2010 Texas 303(d) List of Impaired Waters*. TCEQ had approved the *2010 Texas Integrated Report* for submission to EPA on August 25, 2010. A total of 1,012 impairments are identified on 438 waterbody segments. Impairments due to elevated bacteria associated with recreation use and oyster waters use continue to dominate the list. A significant achievement for the State is EPA's conclusion that the *Rationale for Reclassifying Plum Creek (Segment 1810) from Category 5 to Category 4b on the Texas Integrated Report* adequately demonstrates how other pollution control requirements (i.e., the Plum Creek WPP) will lead to water quality standards attainment in a

reasonable period of time. This is the first successful submission of a WPP in lieu of a TMDL. EPA's approval letter to TCEQ is available at http://www.epa.gov/region6/region-6/tx/tx_303d.html.

More information on the *Texas Integrated Report*, including the 305(b) Assessment and 303(d) List, is available at http://www.tceq.state.tx.us/compliance/monitoring/water/quality/data/wqm/305_303.html.

Texas Clean Rivers Program

The Texas Clean Rivers Program (CRP) is a state fee-funded program for water quality monitoring, assessment, and public outreach administered by the TCEQ. CRP is a collaboration of 15 partner agencies who conduct water quality monitoring and assessments in the 23 river and coastal basins, plus bays and estuaries, in Texas.

Each river or coastal basin is assigned to one of the designated CRP partner agencies. Each CRP partner agency has an established steering committee to set monitoring and assessment priorities within its basin. These committees bring together the diverse interests in each basin and are designed to allow local concerns to be addressed through regional solutions.

The Texas Water Code requires the TCEQ and CRP partner agencies to coordinate monitoring and assessment activities with local SWCDs through the TSSWCB.

The data generated by CRP partner agencies is used to identify significant long-term water quality trends and characterize water quality conditions. Each CRP partner agency develops and publishes an annual *Basin Highlights Report* and a five-year *Basin Summary Report*. The TCEQ also uses CRP-generated data in the biennial assessment conducted for the *Texas Integrated Report*.

More information on CRP is available at <http://www.tceq.texas.gov/nav/eq/texcleanriver.html>.

San Antonio Bay Estuary Program

More information is available at <http://www.sabaypartnership.org/>. The development of a Comprehensive Conservation and Management Plan for San Antonio Bay has the potential to affect agricultural and silvicultural operations in watersheds that drain to the San Antonio Bay complex in Aransas, Calhoun, Goliad, Refugio, and Victoria Counties.

Coastal Bend, Bays, and Estuaries Program

The 75 miles of estuarine environment along the Texas Coastal Bend, including Aransas Bay, Corpus Christi Bay, Baffin Bay and the Upper Laguna Madre, are of national importance and, through the federal CWA §320, are included in the National Estuary Program administered by the EPA. The Bays Council is the stakeholder advisory group that coordinates the implementation of the *Coastal Bend Bays Plan*, which is a Comprehensive Conservation and Management Plan developed under the auspices of the National Estuary Program. The TSSWCB is a named member of the Water and Sediment Quality Implementation Team.

More information is available at <http://www.cb bep.org/>. The implementation of the *Coastal Bend Bays Plan* affects agricultural operations in watersheds that drain to these estuaries in Refugio, Bee, McMullen, Live Oak, Jim Wells, Duval, Brooks, Kennedy, Kleberg, Nueces, San Patricio, and Aransas Counties.

Plum Creek Feral Hog Workshop

On February 14, 2012, over 300 individuals attended the Plum Creek Feral Hog Management Workshop in Luling. This workshop was held to implement portions of the Plum Creek WPP. The Plum Creek WPP identifies feral hogs as a significant contributor of pollutants to the creek. Landowners recommended in the WPP that efforts to control feral hogs be undertaken to reduce the population, limit the spread of these animals, and minimize their effects on water quality and the surrounding environment. This workshop was put on by the Texas AgriLife Extension Service with a CWA §319(h) NPS grant from EPA and the TSSWCB. Presenters at the workshop were from state and federal agencies including AgriLife Extension, USDA Wildlife

Services, Texas Department of Agriculture, and Texas Parks and Wildlife Department. Topics covered feral hog life history and biology, rules and regulations, current research, and control methods for this invasive exotic species including hunting and trapping. Additional information on feral hog management in the Plum Creek watershed is available at <http://plumcreek.tamu.edu/feralhogs>.

Upcoming Public Meetings

- March 1, 2012 – TGPC Public Outreach and Education Subcommittee (Austin)
- March 7, 2012 – Cedar Bayou Watershed Partnership Agriculture, Wildlife, and Habitat Workgroup (Mont Belvieu)
- March 7, 2012 – Cedar Bayou Watershed Partnership Industry and Commerce Workgroup (Baytown)
- March 8, 2012 – Cedar Bayou Watershed Partnership Wastewater Workgroup (Baytown)
- March 8, 2012 – Cedar Bayou Watershed Partnership Human Impact Workgroup (Baytown)
- March 8, 2012 – Attoyac Bayou Watershed Partnership Stakeholder Meeting (Nacogdoches)
- March 11-17, 2012 – National Groundwater Awareness Week
- March 14, 2012 – Coastal Bend Bays and Estuaries Program Water and Sediment Quality Implementation Team (Corpus Christi)
- March 15, 2012 – Regional Watershed Coordination Steering Committee (Columbus)
- March 15, 2012 – Red River Authority CRP (Amarillo)
- March 22, 2012 – GBRA and Lavaca Coastal Coordinated Monitoring and Steering Committee (Seguin)
- March 23, 2012 – Texas Watershed Steward Workshop for Concho River Watershed (San Angelo)
- March 27, 2012 – Upper Colorado River Authority Coordinated Monitoring (San Angelo)
- March 29, 2012 – Galveston Bayou Council Water and Sediment Quality (Houston)

Water Quality Planning and Implementation

The TSSWCB applies the Watershed Approach to managing NPS pollution by channeling its efforts to restore and protect water quality through the development and implementation of WPPs and TMDLs. A list of watersheds including links to on-going restoration projects within those watersheds is available at <http://www.tsswcb.texas.gov/watersheds>; more detailed information on all watersheds described below is available at this website.

Adams and Cow Bayous

Impairment: Bacteria, Dissolved Oxygen, pH
Mechanism: TMDL, I-Plan
Lead: TCEQ

On February 16, 2012, TSSWCB SRM Staff [Brian Koch] attended the Jasper-Newton SWCD #441 board meeting in Jasper to present information concerning the Adams and Cow Bayous TMDL I-Plan. The TMDL was presented and examples of similar implementation plans were provided to help promote the plan and gain support from the SWCD.

More information on the Adams and Cow Bayous TMDL and I-Plan is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/37-orangecounty.html>. These TMDLs affect livestock and forestry operations in Orange, Jasper and Newton Counties.

Cedar Bayou

Impairment: Bacteria, Macroinvertebrate Community
Mechanism: WPP
Lead: TSSWCB

On February 1, 2012, TSSWCB SRM staff [Ashley Alexander, Aaron Wendt] attended the Cedar Bayou Watershed Partnership meeting in Mont Belvieu. The meeting was opened by the Mayor of the City of Mont Belvieu. Presentations from the Houston-Galveston Area Council followed with topics ranging from Partnership business to discussing bacteria sources and solutions. To begin the meeting, action was taken by the Steering Committee to approve minutes from the previous meeting. Other presentation topics included: Discussing the Prioritization of Bacteria Sources and Discussion of Potential Bacteria Solutions. The

meeting closed with discussion of next month's workgroup meetings.

More information is available at <http://www.cedarbayouwatershed.com>. This WPP will affect livestock operations in the Cedar Bayou watershed in Harris, Liberty, and Chambers Counties.

Copano Bay and Mission and Aransas Rivers

Impairment: Bacteria
Mechanism: TMDL, UAA
Lead: TCEQ

On January 30, 2012, TSSWCB SRM staff [Mitch Conine, Rusty Ray, Aaron Wendt] and field staff [Tony Franklin] attended a Copano Bay TMDL public meeting in Refugio. Discussion centered on activities in Copano Bay watershed since the last stakeholder meeting. TWRI who facilitated the meeting compared and contrasted the differences between a TMDL and WPP which could be done in the watershed. The stakeholders asked for more information on current water quality data and the modeling results that were completed so they could be more informed to make a decision to move forward with addressing the bacteria impairments in the watershed. There will be another stakeholder meeting in the coming months.

More information on the TMDL is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/42-copano.html> and on the RUAA at <http://www.tsswcb.texas.gov/managementprogram/aransaruaa>. This TMDL will affect livestock operations in the Copano Bay and Mission and Aransas Rivers watershed in Bee, Goliad, Refugio, Karnes, Aransas and San Patricio Counties.

Plum Creek

Impairment: Bacteria
Concerns: Nutrients
Mechanism: WPP
Lead: TSSWCB

On February 9, 2012, TSSWCB SRM staff [Jana Lloyd, Aaron Wendt] attended the Plum Creek

Watershed Partnership Steering Committee meeting in Lockhart. Discussion centered on the public comment and approval of the Watershed Protection Plan Update Report. Updates were given on the 4B status, the new Implementation Project and Watershed Coordinator, as well as, Plum Creek Feral Hog Education, and implementation of agricultural BMPs. Also there was a presentation from the Texas Stream Team. The Plum Creek Watershed Partnership is implementing components of the Plum Creek WPP in an effort to restore water quality within the Plum Creek watershed.

More information is available at <http://plumcreek.tamu.edu/>. This WPP affects livestock and farming operations in the Plum Creek watershed in Caldwell and Hays Counties.

San Bernard River

Impairment: Bacteria
Mechanism: WPP, UAA
Lead: TCEQ

On February 14, 2012 TSSWCB SRM Staff [Ashley Alexander, Aaron Wendt, Brian Koch] met with staff from the Houston-Galveston Area Council and the Environmental Institute of Houston in Houston to discuss initial steps for the San Bernard SWQM project. This project will be able to further accomplish monitoring goals that were developed through the San Bernard WPP. The focus of the meeting was to gather all of the key players in order to discuss the tasks and goals for the project over the next two years. Several key tasks were discussed, including the water quality monitoring, in particular the type and style of monitoring as well as the monitoring sites.

On February 16, 2012 TSSWCB SRM Staff [Brian Koch] attended a San Bernard River WPP stakeholder meeting in West Columbia. This meeting was held to update stakeholders of the progress of the WPP, which is currently under consistency review. Also, the additional SWQM funded by CWA §319(h) through TSSWCB was presented, including monitoring sites and what will be looked at. There was also interactive BMP prioritization activities, where stakeholders were

able to prioritize BMPs in order to apply for further funding.

More information is available at <http://www.h-gac.com/go/sanbernard> and <http://www.sanbernardriver.com/>. This WPP affects farming and livestock operations in the San Bernard River watershed in Austin, Brazoria, Colorado, Fort Bend and Wharton Counties.

WATER SUPPLY ENHANCEMENT PROGRAM

The 81th Legislature continued funding for the Water Supply Enhancement Program by providing \$2,135,413.00 in General Revenue Funds in FY12. Staff has begun implementing SB 1808 and the Sunset Commission recommendations.

The Water Supply Enhancement Program working committee made up of John Foster, Mel Davis, Johnny Oswald, Tuffy Wood, Melissa Grote, Kendria Ray, Ben Wilde, Charlie Upchurch, Tony Franklin, Cody York, Don Brandenberger, and Rex Isom, met in Austin to discuss the Water Supply Enhancement Project.

Staff has begun working on a criteria ranking sheet which was discussed with the Committee at the Directors Training in Temple at the end of January.

Staff has begun working on new policies and procedures for the Water Supply Enhancement Project.

Staff has been working with USGS and UGRA on the Upper Guadalupe Watershed computer model.

Staff has finalized 31 Chapter 517; Subchapter B; Cost Share Assistance for Brush Control and will be presented to the Board for final approval followed by submission for public comment.

Staff met with the Legislative Budget Board in Austin to discuss the Water Supply Enhancement Program.

Staff met with Dr. Rainwater and Dr. Fish to discuss the Water Supply Enhancement Program.

FLOOD CONTROL DAM PROGRAMS

Background

Nearly 2,000 floodwater retarding structures, or dams, have been built over the last 60 years within the State of Texas. The primary purpose of the structures is to protect lives and property by reducing the velocity of floodwaters, and thereby releasing flows at a safer rate. These are earthen dams that exist on private property, and were designed and constructed by the United States Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS). They were built with the understanding that the private property owner would provide the land, the federal government would provide the technical design expertise and the funding to construct them, and then units of local government would be responsible for maintaining them into the future.

Local sponsors of the dams were required before a federal project was begun. Local sponsors signed a watershed agreement which outlined the duties and responsibilities of the federal and local sponsors. In general, local sponsors are required to obtain and enforce easements, conduct operation and maintenance (O&M) inspections, maintain the structures, and implement land treatment measures in the watershed. SWCDs are one of the local sponsors in all watershed projects. Other local sponsors include counties, cities, and Water Control and Improvement Districts (WCIDs).

Due to the passage of time and difficulty in raising adequate funds locally, many sponsors approached the Texas Legislature with their concerns over amount of needed O&M and repairs. In recognition that these dams will continue to serve as a critical protection for our state's infrastructure, private property, and lives, the Legislature appropriated \$15 million dollars to the TSSWCB for grants to local SWCDs during the 2010-2011 biennium for O&M and structural repairs.

In response to this appropriation, the TSSWCB assembled a representative stakeholder group and began the process of developing programs to deliver the funds to the sponsors of flood control dams during the Summer of 2009. It was determined that

the most efficient and effective way to proceed was to develop two separate grant programs, one to address O&M, and the other to address structural repairs, due to their difference in complexity.

O&M Grant Program Update

In fiscal year 2010, \$2,472,008.79 was allocated to local SWCDs and certain co-sponsors to perform O&M on flood control dams. \$2,354,294.09 was to reimburse sponsors for O&M work completed on dams and the remaining \$117,714.70 could be used for administration. A total of \$2,338,383.98 O&M and \$115,355.75 administration has been reimbursed for work completed leaving \$15,910.11 O&M and \$2,358.95 administration to be spent by June 29, 2012.

In fiscal year 2011, the same amount of \$2,472,008.79 was allocated to local SWCDs and certain co-sponsors to perform O&M on flood control dams. \$2,354,294.09 was to reimburse sponsors for O&M work completed on dams and the remaining \$117,714.70 could be used for administration. A total of \$2,032,663.37 O&M and \$100,930.81 has been reimbursed for work completed leaving \$321,630.72 O&M and \$16,783.89 to be spent by August 31, 2012.

Structural Repair Grant Program Update

A total of 18 flood control dams received state grant funding from FY2010. 5 of these dams received funding through the USDA-NRCS Emergency Watershed Protection (EWP) Program for disaster recovery; the TSSWCB provided 95% of the non-federal match requirement (25%) for these dams. All repairs needed on these dams are complete. Of the 13 remaining dams that received state grant funds providing 95% of the total cost of each of these projects, 7 dams have had repairs completed and the remaining 6 are under construction. In total, \$3,915,471 of FY 2010 state repair grant funds have been obligated. In FY 2011, a total of 7 flood control dams received state grant funding. 1 of these dams received funding through the USDA-NRCS Emergency Watershed Protection (EWP) Program for disaster recovery; the TSSWCB provided 95% of the non-federal match requirement (25%) for this dam. All repairs needed on this dam are complete. Of the 6

remaining dams that received state grant funds providing 95% of the total costs of each of these projects, All 6 are under construction. In total, \$2,463,166.47 of FY 2011 state repair grant funds have been obligated.

In FY 2012, the TSSWCB's budget was cut from \$7.5 million a year to \$2 million. Due to this cut in funding the TSSWCB is currently only able to fund two dam repair projects. In total, \$1,221,795.68 of FY 2012 state repair funds have been obligated.

For more information on these programs, please visit the TSSWCB's website at:

<http://www.tsswcb.state.tx.us/en/floodcontrol>

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Established in 1939, the TSSWCB administers Texas' soil and water conservation law and delivers coordinated natural resource conservation programs to agricultural producers through the State's 216 individual SWCDs. The agency is governed by a seven-member State Board composed of two Governor appointees and five individuals elected from across Texas by 1,080 Directors of local SWCDs. The TSSWCB is the lead state agency for planning, implementing, and managing programs for preventing and abating agricultural and silvicultural (forestry) nonpoint sources of water pollution; administers a water supply enhancement

program through the targeted control of brush species in areas in need of water conservation; provides operation, maintenance, and structural repair grant funds to local government sponsors of the State's network of 2,000 flood control dams; and facilitates the Texas Invasive Species Coordinating Committee.