

OFFICIAL MINUTES  
STATE SOIL AND WATER CONSERVATION BOARD  
January 21, 1987

The State Soil and Water Conservation Board met on Wednesday, January 21, 1987 at 8:00 a.m. in its Conference Room at 311 North 5th, Temple, Texas and at 10:00 a.m. held a public hearing on the State Brush Control Plan pursuant to Senate Bill 1083.

Board Members present were:

Albert Roach, Chairman  
Joe Antilley, Vice Chairman  
C. F. "Dick" Schendel, Member  
Fred Squyres, Member  
Hermon L. Petty, Member

Staff members present were:

Harvey Davis, Executive Director  
John Millican, Assistant Executive Director  
James Moore, Engineer  
Bob Buckley, Director of Programs  
Josephine Chupik, Office Services Supervisor  
Jay Kuykendall, Planner  
Clyde Gottschalk, Information Specialist  
Mel Davis, Soil Conservationist  
Roy Freeman, Soil Conservationist

Others present were:

Waldo Smith, President, Association of Soil & Water Conservation Districts  
Larry McCasland, Sec-Treas, Association of Soil & Water Conservation Districts  
Dr. Clarence Richardson, Agricultural Research Service  
Dr. B. L. Harris, Texas Agricultural Extension Service  
Comer Tuck, Texas Water Development Board  
Coy Garrett, Soil Conservation Service  
Dale Fischgrabe, Soil Conservation Service  
Rhett Johnson, Soil Conservation Service  
Dan Caudle, Soil Conservation Service  
Tol T. J. Higginbotham, Hays County SWCD # 351  
Ken Kramer, Sierra Club  
Janice Bezanson, Texas Committee on Natural Resources  
Dr. Craig A. McMahan, Texas Parks and Wildlife Department  
Ned S. Polk, General Land Office

Chairman Roach called the meeting to order.

On motion of Hermon Petty, seconded by Joe Antilley, the minutes of the November 20, 1986 meeting were approved as mailed out to each Board Member

with the exception of a change of "Thursday" to Wednesday" on page 2 on the public hearing section, paragraph 3, line 5.

On motion of Fred Squyres, seconded by Joe Antilley, the Board approved the following district director appointments:

Donald E. Morton - Upper Pecos SWCD # 213  
Blake Dobbins - Maverick SWCD # 228  
Morris Dixon - Cherokee County SWCD # 427  
Charles Hughes - Jasper-Newton SWCD # 441  
Sidney Cowart - Polk-San Jacinto SWCD # 436  
Claude L. Monk - Limestone-Falls SWCD # 501  
Walter E. Featherston - Kaufman-Van Zandt SWCD # 505  
Jane W. Shawver - Hamilton-Coryell SWCD # 506  
Jon C. Bonner - Hamilton-Coryell SWCD # 506  
Kenneth N. Andrews - Young SWCD # 539

John Millican reported that on April 14, 1986, a petition was received to divide and reorganize the Duck Creek Soil and Water Conservation District #157 and create the Duck Creek SWCD #169 and the Andrew Kent SWCD # 170. Public hearings held on June 17, 1986 in Jayton and Dickens were favorable. An audit has been made and agreement reached on distribution of funds. Documents on transfer of assets, liabilities and cooperator agreements from the old SWCD to each of the new SWCDs have been executed. Conservation Assistance funds in the amount of \$1,900.00 will be allocated to the new Duck Creek SWCD #169 and the Andrew Kent SWCD # 170. Duck Creek SWCD # 157 had expended \$1,932.00 of technical assistance funds leaving a balance of \$4,068.00. This amount will be divided on a 75/25 % basis; an allocation of \$3,051.00 to Duck Creek SWCD #169 and \$1,017.00 to Andrew Kent SWCD # 170. On motion of Fred Squyres, seconded by Joe Antilley, the Board approved the division and reorganization of the Duck Creek SWCD # 157 as being practicable and feasible. Due to the division of this district the Board approved new area and subdivision boundaries and appointed two directors for each new district as follows:

Duck Creek SWCD # 169

Zone 2 - Mike C. Smith  
Zone 4 - Victor Arrington

Andrew Kent SWCD # 170

Zone 2 - J. B. Morrison  
Zone 4 - Howard Freemyer

John Millican discussed a request from the Crockett SWCD # 235 to realign its subdivision boundary lines. The new boundary lines would more equitably distribute the area among the five subdivisions and clearly define the boundary lines. On motion of Joe Antilley, seconded by Dick Schendel, the Board approved the new subdivision boundary lines.

Bob Buckley presented a request from the Mills County SWCD # 554 for an additional allocation of \$1,500.00 in conservation assistance funds. In the original allocation Mills County was allocated \$2,300.00. On motion of Dick Schendel, seconded by Joe Antilley, the Board allocated \$1,500.00 in conservation assistance funds to Mills County SWCD # 554 for fiscal year 1987.

Bob Buckley reported on the status of our annual financial report for the year ended 8-31-86. Based on the review of The Office of the State Auditor the report has been accepted without observed deficiencies. Mr. Buckley reported in detail on our audit review and gave the Board a copy of the annual report as well as a financial statement for the first four months of this fiscal year.

In accordance with Article V, Section 86, of H.B. 20, 69th Legislature, Regular Session, requiring financial statements of employees responsible for signing contracts and expenditures be approved by the Board and filed annually, Harvey Davis presented a copy of his financial statement signed by Mr. Davis April 8, 1986, that had been filed with the Secretary of State. Even though we have no contracts at this time, on motion of Fred Squyres, seconded by Dick Schendel, the Board approved the financial statement of Mr. Davis, thereby fulfilling its responsibility pursuant to this provision.

Bob Buckley reported to the Board that at least three appropriation bills have been introduced this session pursuant to the 1988-89 biennium budget

request. After discussing the bills, all the Board, or at least two members will attend budget hearings when they are set.

Bob Buckley reported that agricultural soil and water conservation fund # 563 monies will be available for allocation in the March Board meeting. The Board agreed districts be surveyed to determine their needs for funding under this program.

Albert Roach welcomed the guests and representatives of other agencies and organizations and asked if any had comments to make.

Coy Garrett briefed the Board on Soil Conservation Service activities relative to the conservation provisions of the 1985 Farm Bill. Mr. Garrett indicated that the next sign-up period for the Conservation Reserve Program would be February 9 through 27 and would probably be the last time for the use of erosion rates at or above 3 T as criteria for eligibility and would begin the use of the Erosion Index equal to or greater than 8 with erosion rates of greater than "T" value. Mr. Garrett further explained that because of this, landowners who are eligible now may not be eligible in the future. Mr. Garrett briefed the Board on SCS plans to begin contacting farmers in counties projected to have high conservation planning workloads to meet the 1990 conservation compliance deadline and to attempt to develop one-third of the required conservation plans each year for the next three years to avoid large backlogs of technical assistance needs in 1990. Mr. Garrett indicated that, under new guidelines, the State Conservationist will have the latitude to develop the requirements for compliance with technical guides in each field office and that in cotton producing areas, erosion rates consistent with current technology while still allowing the production of cotton will be used. Mr. Garrett expressed concern about requirements placed on SCS by the farm bill and asked for State Board support of what SCS has to do under the Act.

Coy Garrett then discussed SCS staffing and indicated that the Abilene and Fredericksburg Area Offices would both be closed by early March. Mr. Garrett told the Board that 25 people had opted to take early retirement and that a total of 130 people will have left SCS by the end of January. Mr. Garrett explained that after April 15, some of the positions vacated can be filled and most will be moved to the Southern High Plains of Texas.

Dale Fischgrabe provided copies of an announcement on the Conservation Reserve Program sign-up and discussed the bonus rental payment offered for designating corn base acreage.

Bill Harris indicated that the corn acreage bonus was a result of a good lobbying effect by the corn belt and suggested that the same type of thing might be done for cotton.

A general discussion of the conservation provisions of the 1985 Farm Bill followed. Harvey Davis reviewed the response received from USDA, General Counsel, relative to a request from the State Board for a legal opinion on soil and water conservation district director liability in dealing with the conservation provisions of the 1985 Farm Bill. Mr. Davis explained that the response was concerned more with State Board liability and had missed the point of the original request. Coy Garrett agreed that the point of the request was missed.

At 9:50 a.m. the meeting was recessed in order to convene a public hearing on the State Brush Control Program, the minutes of which are attached.

The Board meeting reconvened at 11:16 a.m.

Harvey Davis recommended that in light of the testimony presented, adoption of the State Brush Control Plan be deferred until the comments can be evaluated and needed revisions recommended. On motion of Joe Antilley, seconded by Hermon Petty, the Board voted to defer approval until comments could be evaluated but not later than the next regular meeting.

Bill Harris discussed the Texas Agricultural Extension Service study of the economic impact of the conservation provisions of the 1985 Farm Bill on the Southern High Plains of Texas. Dr. Harris then provided the Board with copies of a report on the 1986 Wind Erosion Control Demonstrations. Dr. Harris reported on new publications to provide information on the conservation provisions of the 1985 Farm Bill and informed the Board of a No-Till Conference planned for July 1 and 2, 1987 at College Station. Dr. Harris informed the Board that Wayne Mayfield, State Executive Director for the Agricultural Stabilization and Conservation Service had been transferred to Washington with Donnie Bowman now serving as Acting State Executive Director and Neville Clarke was now Acting Deputy Chancellor for Agriculture and Director of the Experiment Station at Texas A & M University.

Dr. Clarence Richardson reported that he had taken the place of Dr. Earl Burnett who had retired as Director of the ARS, Grassland Soil and Water Research Laboratory in Temple. Dr. Richardson explained that while many new faces would be involved at the research facility, programs there would continue to be heavily involved in soil and conservation research. Dr. Richardson informed the Board that Floyd Horn was now acting in the position left vacant by Dr. Rex Johnston and that Dr. Gerald Arkin, Director of the Blackland Research Center will be leaving to become Director of the Experiment Station in Georgia.

Comer Tuck disclosed Texas Water Development Board proposed legislation dealing with agricultural water conservation programs under their administration and revealed that \$1,750,000 of the \$5 million pilot loan fund had been obligated to date.

At this point T. J. Higginbotham requested that the Board take up Item 22 on the agenda and that it be held in open session. Harvey Davis informed the Board that Mr. Higginbotham, as the subject of the executive session had the right under the Open Meetings Act to request an open session but did not have the right to set the time for the Board to take it up. Chairman Roach directed

Mr. Higginbotham to proceed. T. J. Higginbotham read a prepared statement, a copy of which is attached. Harvey Davis, in response explained that all State Board activities thus far have been part of an honest attempt to clear up a question raised concerning Mr. Higginbotham's qualifications for office and that nothing had been done with the intent of discrediting or humiliating anyone. Harvey Davis advised the Board because of H.B. 20, the current appropriation bill, General Provisions, Article V, Section 64, "Fiscal Responsibility" and other State requirements, the need for action on the matter was urgent. Mr. Davis advised the Board that there appeared to be two options available to the Board; either ask the Attorney General's Office to seek a mandamus action in district court to determine Mr. Higginbotham's qualifications for office or refuse to honor any claim or request for any funds bearing the signature of Mr. T. J. Higginbotham until the Board is provided with evidence showing that Mr. Higginbotham is a qualified district director of the Hays County Soil and Water Conservation District # 351. Dick Schendel moved that the State Soil and Water Conservation Board not honor or pay any claims or requests for any funds bearing the signature of Mr. T. J. Higginbotham until the State Board is provided with evidence showing that Mr. Higginbotham is a qualified district director. The motion was seconded by Joe Antilley and carried.

Bob Buckley briefed the Board on Article V, Section 31 of the 1986-87 appropriation bill governing audits of Soil and Water Conservation Districts. Out of 146 district audits reviewed, several discrepencies were noted. The Board agreed to take action in the March Board meeting on exceptions noted in the audits and provide documentation of that action to the State Auditor, Legislative Audit Committee, Legislative Budget Board and the Governor's Office. The Board also agreed to withhold matching funds and technical assistance funds from districts if corrected audits were not received by February 28, 1987. Such funds to be withheld until a corrected audit is received.

James Moore discussed the need for an emergency amendment to Section 519.9 of the rules covering the Technical Assistance Program. Mr. Moore explained that Section 519.9 required claims to be submitted no later than 60 days following the close of the fiscal year in which the eligible expenditures occurred and that the recommended change, a copy of which is attached, would allow exceptions to be made when justified. Bob Buckley reviewed a request from the El Paso-Hudspeth Soil and Water Conservation District # 205 and explained that the request had been received after the deadline because of problems encountered in submitting the claim. On motion of Dick Schendel, seconded by Joe Antilley, the Board adopted the recommended change on an emergency basis, approved the change to be proposed as a permanent change to the rule, approved an exception to the 60 day requirement for the El Paso-Hudspeth Soil and Water Conservation District and granted Harvey Davis permission to make such exceptions in the future.

John Millican informed the Board that the Memorandum of Understanding between the A & M University System, the State Board and Soil and Water Conservation Districts was being reviewed by the A & M University System at the present time. Copies of the draft were given Board members for review at the November Board meeting. The memorandum will be considered at a later date after being thoroughly studied by all parties thereof.

Due to a resolution passed at the Annual State Meeting of Soil and Water Conservation District Directors on October 22, 1986 asking for an updated agreement, James Moore handed out a revised draft of the memorandum of understanding between the State Board and the Texas State Department of Highways and Public Transportation for the Board members to review and note any changes to be made. There has been considerable change in watershed activities since the previous memorandum was signed. Upon completion of the review by the Board, contact will be initiated with the Department of Highways and Public Transportation for their input into the memorandum.



Mei Davis reported that board member elections will be held in State Districts, I, III and V on the 1st Tuesday in May which is May 5, 1987. Regional Area Conservation Awards programs will be held on the same date in these areas as follows:

Area I - Lubbock, Texas Tech University  
Area III - Yoakum, Yoakum Community Center Complex  
Area V - Stephenville, Stephenville High School

Area II will hold its conservation awards program on May 7, 1987 in San Angelo at Angelo State University.

Area IV has not selected its date and site at this time.

The first notice on the Board member elections in Area I, III, and V will be mailed to each district chairman and secretary on January 29, 1987.

Harvey Davis discussed upcoming legislation effecting the Board and Soil and Water Conservation Districts. Legislation is being introduced to exempt sales tax on certain items used by soil and water conservation districts.

Clyde Gottschalk presented an 18 minute slide program on Technical Assistance "What is it, how does the program work and who benefits from it"? The intent of this slide program is to serve as an information tool to inform public officials and the general public about the scope and purpose of the State Soil and Water Conservation Board and its conservation technical assistance program. The program examines 3 representative districts in the State which fully utilize the technical assistance funds allocated to them by the State Board.

Hermon Petty reviewed a slide presentation concerning the national wetland inventory prepared for a meeting with Congressman Kika de la Garza.

In keeping with the out of state travel policy of the Board, all members are authorized to attend the meeting of the National Association of Conservation Districts in Reno, Nevada on Feb. 1 thru Feb. 5, 1987. On motion of Dick Schendel, seconded by Joe Antilley, the Board authorized attendance of Chairman Roach to an Eight State Resource Conservation & Development meeting

in Fort Smith, Arkansas on Feb. 25 and 26, 1987 at the Sheraton Inn. The Board discussed meeting with key people in Washington, D. C. at an undetermined date in the future to discuss agricultural issues confronting conservation work in our local soil and water conservation districts. On motion of Dick Schendel, seconded by Fred Squyres, the Board authorized any member of the Board who was available to attend.

The Board discussed changing the date of its regular scheduled board meetings. On motion of Joe Antilley, seconded by Hermon Petty, the Board set the regular meeting date for the 3rd Wednesday of each odd numbered month.

The next regular scheduled meeting will be held on Wednesday, March 18, 1987.

The meeting adjourned at 4:15 p.m.

Albert Roach  
Chairman

Josephine Chupik  
Secretary

March 18, 1987  
Date

I hereby certify that the above is a true and correct copy of the minutes of the State Soil and Water Conservation Board meeting held on January 21, 1987.

March 18, 1987  
Date

Samuel Davis  
Executive Director